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RECORDS OF THE UNITED STATES

NUERNBERG WAR CRIMES TRIALS

*UNITED STATES OF AMERICA V. KARL BRANDT ET AL.* (CASE 1)

NOVEMBER 21, 1946-AUGUST 20, 1947

Roll 3

Transcript Volumes (English Version)

Volumes 4-6

Jan. 7-29, 1947



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## INTRODUCTION

On the 46 rolls of this microfilm publication are reproduced the records of Case I (*United States of America v. Karl Brandt et al.*, or the "Medical" Case), 1 of the 12 trials of war criminals conducted by the U.S. Government from 1946 to 1949 at Nuernberg subsequent to the International Military Tribunal held in the same city. These records consist of German- and English-language versions of official transcripts of court proceedings, prosecution and defense briefs, and final pleas of the defendants as well as prosecution and defense exhibits and document books in one language or the other. Also included in this publication are a minute book, the official court file, order and judgment books, clemency petitions, and finding aids to the documents.

The transcripts of this trial, assembled in 2 sets of 30 bound volumes (1 set in German and 1 in English), are the recorded daily trial proceedings. The prosecution and defense briefs and answers are also in both languages but unbound, as are the final pleas of the defendants delivered by counsel or defendants and submitted by the attorneys to the court. The unbound prosecution exhibits, numbered 1-570, are essentially those documents from various Nuernberg record series offered in evidence by the prosecution in this case. The defense exhibits, also unbound, are predominantly affidavits by various persons. They are arranged by name of defendant and thereunder numerically. Both prosecution document books and defense document books consist of full or partial translations of exhibits into the English language. Loosely bound in folders, they provide an indication of the order in which the exhibits were presented before the tribunal.

The minute book, in one bound volume, is a summary of the transcripts. The official court file, in four bound volumes, includes the progress docket, the indictment, amended indictment, and the service thereof; appointments and applications of defense counsel and defense witnesses and prosecution comments thereto; defendants applications for documents; motions; uniform rules of procedures; and appendixes. The order and judgment books, in two bound volumes, represent the signed orders, judgments, and opinions of the tribunal as well as sentences and commitment papers. Clemency petitions of the defendants, in five bound volumes, were directed to the military governor, the Judge Advocate General, the U.S. district court, the Secretary of Defense, and the Supreme Court of the United States. The finding aids summarize transcripts, exhibits, and the official court file.

Case I was heard by U.S. Military Tribunal I from November 21, 1946, to August 20, 1947. The records of this case, as the

records of the other Nuernberg and Far East (INTFE) war crimes trials, are part of the National Archives Collection of World War II War Crimes Records, Record Group 238.

The Brandt case was 1 of 12 separate proceedings held before several U.S. Military Tribunals at Nuernberg in the U.S. Zone of Occupation in Germany against officials or citizens of the Third Reich, as follows:

<u>Case No.</u>	<u>United States v.</u>	<u>Popular Name</u>	<u>No. of Defendants</u>
1	<i>Karl Brandt et al.</i>	Medical Case	23
2	<i>Erhard Milch</i>	Milch Case (Luftwaffe)	1
3	<i>Josef Altstoetter et al.</i>	Justice Case	16
4	<i>Oswald Pohl et al.</i>	Pohl Case (SS)	18
5	<i>Friedrich Flick et al.</i>	Flick Case (Industrialist)	6
6	<i>Carl Krauch et al.</i>	I. G. Farben Case (Industrialist)	24
7	<i>Wilhelm List et al.</i>	Hostage Case	12
8	<i>Ulrich Greifelt et al.</i>	RuSHA Case (SS)	14
9	<i>Otto Ohlendorf et al.</i>	Einsatzgruppen Case (SS)	24
10	<i>Alfried Krupp et al.</i>	Krupp Case (Industrialist)	12
11	<i>Ernst von Weizsaecker et al.</i>	Ministries Case	21
12	<i>Wilhelm von Leeb et al.</i>	High Command Case	14

Authority for the proceedings of the International Military Tribunal against the major Nazi war criminals derived from the Declaration on German Atrocities (Moscow Declaration) released November 1, 1943, Executive Order 9547 of May 2, 1945, the London Agreement of August 8, 1945, the Berlin Protocol of October 6, 1945, and the Charter of the International Military Tribunal.

Authority for the 12 subsequent cases stemmed mainly from Control Council Law 10 of December 20, 1945, and was reinforced by Executive Order 9679 of January 16, 1946; U.S. Military Government Ordinances Nos. 7 and 11 of October 18, 1946, and February 17, 1947, respectively; and U.S. Forces, European Theater General Order 301 of October 24, 1946. The procedures applied by U.S. Military Tribunals in the subsequent proceedings were patterned after those of the International Military Tribunal and further developed in the 12 cases, which required over 1,200 days of court sessions and generated more than 330,000 transcript pages.



The crimes charged in the Brandt case consisted largely of medical experiments performed on defenseless concentration camp inmates against their will; "euthanasia" carried out on the mentally defective, the physically sick, the aged, and ethnic and racial groups; and the murder of concentration camp inmates for the express purpose of collecting skulls and skeletons for the Anatomical Institute of the Reich University of Strassburg. The following medical experiments were conducted:

1. High altitude: to investigate effects of low pressure on persons.
2. Freezing: to test human resistance to extremely low temperatures.
3. Malaria: to develop controls over the recurring nature of the disease.
4. Mustard gas: part of a general research program in gas warfare.
5. Sulfanilamide: to test the efficacy of the drug in bone muscle and nerve regeneration and bone transplantation.
6. Seawater: to test methods of rendering seawater potable.
7. Epidemic jaundice: to develop an antitoxin against the disease.
8. Sterilization: to test techniques for preventing further propagation of the mentally and physically defective.
9. Typhus: to investigate the value of various vaccines.
10. Poison: to test the efficacy of certain poisons.
11. Incendiary bomb: to find better treatment for phosphorus burns.

The prosecution alleged and the judgment confirmed that these experiments were not isolated acts of individual doctors and scientists on their own responsibility but that they were the result of high-level policy and planning. They were carried out with particular brutality, often disregarding all established medical practice. Consequently, large numbers of the victims died in the course of or as a result of the experiments.

The euthanasia program was the direct result of a directive by Hitler of September 1, 1939. It resulted in the secret killing not only of aged, insane, incurably ill, and deformed German citizens in sanatoriums in Germany but also in the clandestine murder of foreign workers. The killing in gas chambers and by injections in the sanatoriums served as a proving ground for these forerunners of much larger installations in the mass extermination camps.

In addition to these experiments, over 100 concentration camp inmates were killed for the purpose of obtaining their skeletons. Their ghastly remains were found in Strassburg by Allied troops.

The transcripts of the Brandt case include the indictments of the following 23 persons all of whom were physicians except defendants Rudolf Brandt, Viktor Brack, and Wolfram Sievers:

Karl Brandt: Personal physician to Adolf Hitler, Gruppenfuehrer in the SS and Generalleutnant (Major General) in the Waffen SS, Reichskommissar fuer Sanitaets- und Gesundheitswesen (Reich Commissioner for Health and Sanitation), and member of the Reichsforschungsrat (Reich Research Council).

Kurt Blome: Deputy [of the] Reichsgesundheitsfuehrer (Reich Health Leader) and Plenipotentiary for Cancer Research in the Reich Research Council.

Rudolf Brandt: Standartenfuehrer (Colonel) in the Allgemeine SS, Persoenlicher Referent von Himmler (Personal Administrative Officer to Reichsfuehrer SS Himmler), and Ministerial Counselor and Chief of the Ministerial Office in the Reich Ministry of the Interior.

Joachim Mrugowsky: Oberfuehrer (Senior Colonel) in the Waffen SS, Oberster Hygieniker, Reichsarzt SS und Polizei (Chief Hygienist of the Reich Physician SS and Police), and Chef des Hygienischen Institutes der Waffen SS (Chief of the Hygienic Institute of the Waffen SS).

Helmut Poppendick: Oberfuehrer in the SS and Chef des Persoenlichen Stabes des Reichsarztes SS und Polizei (Chief of the Personal Staff of the Reich Physician SS and Police).

Wolfram Sievers: Standartenfuehrer in the SS, Reich Manager of the "Ahnenerbe" Society and Director of its Institut fuer Wehrwissenschaftliche Zweckforschung (Institute for Military Scientific Research), and Deputy Chairman of the Managing Board of Directors of the Reich Research Council.

Karl Genzken: Gruppenfuehrer in the SS and Generalleutnant in the Waffen SS and Chef des Sanitaetsamts der Waffen SS (Chief of the Medical Department of the Waffen SS).

Karl Gebhardt: Gruppenfuehrer in the SS and Generalleutnant in the Waffen SS, personal physician to Reichsfuehrer SS Himmler, Oberster Kliniker, Reichsarzt SS und Polizei (Chief Surgeon of the Staff of the Reich Physician SS and Police), and President of the German Red Cross.

Viktor Brack: Oberfuehrer in the SS and Sturmbannfuehrer (Major) in the Waffen SS and Oberdienstleiter, Kanzlei des Fuehrers der NSDAP (Chief Administrative Officer in the Chancellery of the Fuehrer to the NSDAP).

Waldemar Hoven: Hauptsturmfuehrer (Captain) in the Waffen SS and Chief Physician of the Buchenwald Concentration Camp.

Herta Oberheuser: Physician at the Ravensbrueck Concentration Camp and assistant physician to the defendant Gebhardt at the hospital at Hohenlychen.

Fritz Fischer: Sturmbannfuehrer in the Waffen SS and assistant physician to the defendant Gebhardt at the hospital at Hohenlychen.

Siegfried Handloser: Generaloberstabsarzt (Lieutenant General, Medical Service), Heeressanitaetsinspekteur (Medical Inspector of the Army), and Chef des Wehrmachtsanitaetswesens (Chief of the Medical Services of the Armed Forces).

Paul Rostock: Chief Surgeon of the Surgical Clinic in Berlin, Surgical Adviser to the Army, and Amtschef der Dienststelle Medizinische Wissenschaft und Forschung (Chief of the Office for Medical Science and Research) under the defendant Karl Brandt, Reich Commissioner for Health and Sanitation.

Oskar Schroeder: Generaloberstabsarzt; Chef des Stabes, Inspekteur des Luftwaffe-Sanitaetswesens (Chief of Staff of the Inspectorate of the Medical Service of the Luftwaffe); and Chef des Sanitaetswesens der Luftwaffe (Chief of the Medical Service of the Luftwaffe).

Hermann Becker-Freyseng: Stabsarzt in the Luftwaffe (Captain, Medical Service of the Air Force) and Chief of the Department for Aviation Medicine of the Medical Service of the Luftwaffe.

Georg August Weltz: Oberfeldarzt in the Luftwaffe (Lieutenant Colonel, Medical Service of the Air Force) and Chief of the Institut fuer Luftfahrtmedizin (Institute for Aviation Medicine) in Munich.

Wilhelm Beiglboeck: Consulting physician to the Luftwaffe.

Gerhard Rose: Generalarzt of the Luftwaffe (Brigadier General, Medical Service of the Air Force); Vice President, Chief of the Department for Tropical Medicine, and Professor of the Robert Koch Institute; and Hygienic Adviser for Tropical Medicine to the Chief of the Medical Service of the Luftwaffe.

Siegfried Ruff: Director of the Department for Aviation Medicine at the Deutsche Versuchsanstalt fuer Luftfahrt (German Experimental Institute for Aviation).



Hans Wolfgang Romberg: Physician on the staff of the Department for Aviation Medicine at the German Experimental Institute for Aviation.

Konrad Schaefer: Physician on the staff of the Institute for Aviation Medicine in Berlin.

Adolf Pokorny: Physician, specialist in skin and venereal diseases.

The indictment consisted of four counts. Count one charged participation in a common design or conspiracy to commit war crimes or crimes against humanity. The ruling of the tribunal disregarded this count, hence no defendant was found guilty of the crime charged in count one. Count two was concerned with war crimes and count three, with crimes against humanity. Fifteen defendants were found guilty, and eight were acquitted on these two counts. Ten defendants were charged under count four with membership in a criminal organization and were found guilty.

The transcripts also contain the arraignment and plea of each defendant (all pleaded not guilty), opening and closing statements of defense and prosecution, and the judgment and sentences, which acquitted 7 of the 23 defendants (Blome, Pokorny, Romberg, Rostock, Ruff, Schaefer, and Weltz). Death sentences were imposed on defendants Brack, Karl Brandt, Rudolf Brandt, Hoven, Gebhardt, Mrugowsky, and Sievers, and life imprisonment on Fischer, Genzken, Handloser, Rose, and Schroeder; varying terms of years were given to defendants Becker-Freyseng, Beiglboeck, Oberheuser, and Poppendick.

The English-language transcript volumes are arranged numerically, 1-30; pagination is continuous, 1-11538. The German-language transcript volumes are numbered 1a-30a and paginated 1-11756. The letters at the top of each page indicate morning, afternoon, and evening sessions. The letter "C" designates commission hearings (to save court time and to avoid assembling hundreds of witnesses at Nuernberg, in most of the cases one or more commissions took testimony and received documentary evidence for consideration by the tribunals). Several hundred pages are added to the transcript volumes and given number plus letter designations, such as page number 1044a. Page 1 in volume 1 (English) is preceded by pages numbered 001-039, while the last page of volume 28 (English) is followed by pages numbered 1-48.

Of the many documents assembled for possible prosecution use, 570 were chosen for presentation as evidence before the tribunal. These consisted largely of orders, directives, and reports on medical experiments or the euthanasia program; several interrogation reports; affidavits; and excerpts from the *Reichsgesetzblatt* (the official gazette of Reich laws) as well as correspondence. A number



of the medical reports were accompanied by series of photographs and charts of various experiments.

The first item in the arrangement of the prosecution exhibits is usually a certificate listing the document number, a short description of the exhibit, and a statement on the location of the original document of the exhibit. The certificate is followed by the document, the actual prosecution exhibit (most of which are photostats), and a few mimeographed articles with an occasional carbon of the original. In rare cases the exhibits are followed by translations or additional certificates. A few exhibits are original documents, such as:

<u>Exhibit No.</u>	<u>Doc. No.</u>	<u>Exhibit No.</u>	<u>Doc. No.</u>
301	NO-1314	410	NO-158
307	NO-120	441	NO-1730
309	NO-131	443	NO-890
310	NO-132	451	NO-732
357	1696 PS	462	NO-1424
362	628 PS	507	NO-365
368	NO-817	546	NO-3347
403	616 PS		

No certificate is attached to several exhibits, including exhibits 433, 435-439, 462, 559, and 561. Following exhibit 570 is a tribunal exhibit containing the interrogation of three citizens of the Netherlands. Number 494 was not assigned, and exhibit 519 is followed by 519a and 519b.

Other than affidavits, the defense exhibits consist of newspaper clippings, reports, personnel records, *Reichsgesetzblatt* excerpts, and other items. There are 901 exhibits for the defendants. The defense exhibits are arranged by name of defendant and thereunder by exhibit number, each followed by a certificate wherever available.

The translations in the prosecution document books are preceded by indexes listing prosecution document numbers, biased descriptions, and page numbers of the translation. They are generally listed in the order in which the prosecution exhibits were introduced into evidence before the tribunal. Pages 81-84 of prosecution document book 1 are missing. Books 12, 16, and 19 are followed by addenda. The document books consist largely of mimeographed pages.

The defense document books are similarly arranged. Each book is preceded by an index giving document numbers, description, and page number for each exhibit. The corresponding exhibit numbers are generally not provided. There are several unindexed supplements to numbered document books. Prosecution and defense briefs are arranged alphabetically by names of defendants; final pleas and defense answers to prosecution briefs follow a similar

scheme. Pagination is consecutive, yet there are many pages where an "a" or "b" is added to the numeral.

The English-language final pleas, closing briefs, and replies to prosecution briefs of several defendants are missing, as are a few German-language closing briefs and replies to prosecution briefs.

At the beginning of roll 1 are filmed key documents from which Tribunal I derived its jurisdiction: the Moscow Declaration, U.S. Executive Orders 9547 and 9679, the London Agreement, the Berlin Protocol, the Charter of the International Military Tribunal, Control Council Law 10, U.S. Military Government Ordinances 7 and 11, and U.S. Forces, European Theater General Order 301. Following these documents of authorization is a list of the names and functions of the members of Tribunal I and counsels.

These documents are followed by the transcript covers giving such information as name and number of case, volume numbers, language, page numbers, and inclusive dates. They are followed by summaries of the daily proceedings providing an additional finding aid for the transcripts. The exhibits are listed in an index, which notes type of exhibit, exhibit number and name, corresponding document number and document book and page, a short description of the exhibit, and the date when it was offered in court. The official court file is indexed in the court docket, which is followed by a list of witnesses.

Not filmed were records duplicated elsewhere in this microfilm publication, such as prosecution and defense document books in the German language that are largely duplications of prosecution and defense exhibits already microfilmed or opening statements of prosecution and defense, which can be found in the transcripts of the proceedings.

The records of the Brandt case are closely related to other microfilmed records in Record Group 238, specifically prosecution exhibits submitted to the International Military Tribunal, T988; NI (Nuernberg Industrialist) Series, T301; NOKW (Nuernberg Armed Forces High Command) Series, T1119; NG (Nuernberg Government) Series, T1139; and records of the Milch case, M888, the List case, M893, the Greifelt case, M894, and the Ohlendorf case, M895. In addition, the record of the International Military Tribunal at Nuernberg has been published in *Trial of the Major War Criminals Before the International Military Tribunal* (Nuernberg, 1947), 42 vols. Excerpts from the subsequent proceedings have been published as *Trials of War Criminals Before the Nuernberg Military Tribunal Under Control Council Law No. 10* (U.S. Government Printing Office: 1950-53), 15 vols. The Audiovisual Archives Division of the National Archives and Records Service holds motion picture records and photographs of all 13 trials and tape recordings of the International Military Tribunal proceedings.

Roll 3

Target 1

Volume 4

Jan. 7-10, 1947

# **OFFICIAL RECORD**

## **UNITED STATES MILITARY TRIBUNALS NURNBERG**

**CASE No. 1    TRIBUNAL I  
U.S. vs KARL BRANDT et al  
VOLUME 4**

**TRANSCRIPTS  
(English)**

**7-10 January 1947    pp. 1167-1521**



CORRECTED COPY

Official transcript of the American Military Tribunal  
in the matter of the United States of America against  
Karl Brandt, et al, defendants, sitting at Nurnberg,  
Germany, on 7 January 1947, 0930, Justice Beals,  
presiding.

THE MARSHAL: The Honorable Judges of Military Tribunal 1.

Military Tribunal 1 is now in session.

God save the United States of America and this Honorable  
Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, will you ascertain if the defend-  
ants are all present in the court.

THE MARSHAL: May it please Your Honors, the defendants are all  
present in the courtroom.

THE PRESIDENT: The Secretary-General will note on the minutes  
the defendants are all present in the court.

DR. EUGEN KOGON Resumed

DIRECT EXAMINATION (continued)

THE PRESIDENT: The witness on the stand is reminded that he  
is still under oath.

MR. McHANEY: May it please the Tribunal, the prosecution will  
continue with the examination of the witness Kogon.

BY MR. McHANEY:

Q. Mr. Kogon, at the conclusion of yesterday's session you had  
explained to us the manner in which experimental subjects were select-  
ed for the medical experiments in the Buchenwald camp. Will you tell  
the Tribunal whether any non-German nationals were experimented on.

A. Amongst the experimental subjects who had been selected for  
Block 46, there were not only Germans but also Poles, Russians and  
Frenchman, particularly during the last years.

Q. Were there any prisoners of war experimented on in Block 46  
to your knowledge?

Chart No. 1

A. Yes.

Q. Now, will you please explain to the Tribunal in your own words exactly

how these typhus experiments were carried out.

A. After 40 to 60 people, sometimes up to 120, had been detailed for a series of experiments, one-third of them were separated, two-thirds of them were either vaccinated with a protective treatment or otherwise protected with it if it was a subject. Those people who were protected against typhus remained in Block 46 for several weeks until the Rickettsia, the cause of the classic typhus, was used to infect them. Together with them, the first selection, that is to say, the first third, was also infected. They served as so-called control persons with the help of whom it was possible to ascertain whether the infection was taking, what course the disease would take in their cases, so that the course could be compared with that which had appeared with those who had been vaccinated who had also been infected. Infection was carried in different ways. Either typhus was transferred through fresh blood, which was injected intravenously or it was injected intramuscularly. At the beginning even by lacerating the skin by means of a cut into the arm. In the initial stages two cubic centimeters of fresh blood infected with typhus were used for infection, unless one was concerned with an infection with an infectious solution. Two cubic centimeters of fresh blood which contained typhus was then, therefore, usually injected into the veins. Later on that dosage was reduced to 1/20th of 1 cubic centimeter because the large quantity of 2 cubic centimeters would prevent any security, penetrate any security achieved by protective vaccination. Even 1/20th of 1 cubic centimeter of typhus containing fresh blood was usually enough if it was injected into the the veins to produce typhus to a very high degree. In the course of years the typhus cultures which were used at Buchenwald had been cultivated from man to man and they had increased their strength, their virility to a very considerable degree, so that the smaller quantity was perfect enough. A suggestion which I had made in 1944 to Sturmbannführer Dr. Ding, namely, that in order to increase the scientific control he should reduce the quantity of these injections to the extreme minimum so that the so-called swelling value should be ascertained — in other words, so that

the artificial infection should be most like the artificial infection through life. That suggestion was turned down by him since he believed that in that case no convincing proof would exist for the effectiveness of the protective means which were being used. A third category of the experimental persons was used to maintain the typhus cultures, those were the so-called passage persons, amounting to three to five persons per month. They were only infected for the purpose of making sure that typhus containing fresh blood would always be available at all times. Very nearly all of those persons died and I do not think that I am exaggerating if I say that 95% of those cases were fatal.

Q. Witness, do you seem to say that they deliberately infected three to five persons a month with typhus just to have the viruses alive and available in blood?

A. Just for that particular purpose.

Q. Can you tell the Tribunal approximately how many of those persons died who were infected just to keep the viruses alive?

A. Of the so-called passage persons, there was, as I have already said, three to five per month who were used, that is to say, during the period when I was working for Dr. Ding-Schuler so many every month until the end of the Buchenwald Concentration Camp. That is to say, beginning with April 1943 until March 1945. Before that, as far as the previous period is concerned, I only knew that passage persons had also been used but I do not know the figures.

Q. Now, witness, were experimental persons also infected with lice?

A. As far as is known to me, there was one single instance when an experiment took place in Buchenwald where an original infection with typhus was carried out with lice. The contagious lice had been brought from the Institute of the GdH of Krakow, by a courier. They were taken to Block 46. They were kept in small cages which were applied to the thigh of the experimental persons and a number of persons, the number of whom I do not know, was infected. Some of our comrades were allowing a few lice to escape in a room of Block 46 but they did keep these lice under control and they reported



to the Cape that Fleckfieber, typhus carrying lice, had escaped from this cage. Cape Arthur Dietsch immediately reported this to the camp physician, Dr. Hoven, who was at that time representing, taking the place of Dr. Ding-Schuler, and Dr. Hoven, following Dietsch's advice, ordered the destruction of these infected lice. A second dispatch from Krakow was also burnt because one did not wish that such experiments should lead to high endangerment for the camp and should be continued.

Q. And you say that these typhus infected lice came from the typhus and virus research Institute of the OKH at Cracow?

A. Yes.

Q. And do you know the name of the Director of that Institute?

A. From the correspondence between Dr. Ding and the Institute for Typhus and Virus Research in Cracow, I know that this was Dr. Eyer.

Q. Now, going back for a moment to the persons who were infected with typhus virus in order to keep the virus alive, can you state whether the persons who died as a result of that action are included in the diary kept by Dr. Ding?

A. The passage persons, as far as I can recollect, are not listed in the diary. They were, shall we say, a matter of course.

Q. Can you tell the Tribunal where the typhus virus came from which was used in the camp?

A. The virus was obtained from various sources. At the beginning from the Bauring Werke and the Robert Koch Institute in Berlin. These first cultures which had been produced according to the Gildemeister and Haagen process turned out to be, however, insufficiently virile. In other words, infection didn't take. Thus the new method of infection which I have described was adopted, that is, intravenous injection of fresh blood infected with typhus, and the cultures required from these passage persons were obtained when they had lost their effectiveness, and sometimes these cultures would die down and were obtained from the OKH at Cracow, from the Typhus Institute, that is, of the OKH at Cracow.

Q. I believe you have probably told us something about where the typhus vaccines came from but would you be good enough to go over that matter again for us?

A. The various vaccines which were to be tried out came first of all from the Bauring Werke, secondly, from the I.G. Farben Werke, and were mostly concerned with chemo-therapeutics. In these series of experiments, methylene blue and rutanol, pericool and nitro acridine was experimented with. Furthermore, there came from the State Institute at Copenhagen a vaccine that

Exhibit No. 1

was made from the liver of mice, and there was an Italian vaccine made from the lungs of mice, and lastly a vaccine made from the lungs of dogs, according to the Carbaucenco system developed at Bucharest.

Q. Did you obtain a vaccine from Eyer's Institute at Cracow?

A. And then there was the Weigel vaccine developed at the ONH Institute at Cracow. This was also in fact used continuously because it was considered the best of the lot, since in every series of experiments a few persons, mostly about 10, usually were treated with the Weigel Vaccine made from the intestines of mice.

Q. And did you ever obtain any vaccines from the Robert Koch Institute?

A. The Robert Koch Institute, as far as I can recollect, supplied vaccine at the beginning, together with the Behring Works, or they supplied infecting substance. There I am not quite sure.

Q. Can you tell the Tribunal whether these experimental subjects suffered to any appreciable extent during the course of these typhus experiments?

A. There we must be careful and draw a dividing line between the general psychic condition of the soul of these experimental persons and the physical condition, which they experienced through this disease. Every man in the camp knew that Block 46 was a dreadful place, and the fewest people in the camp had an exact idea regarding what was going on in Block 46. A dreadful horror would fall upon any one who would be brought into any sort of connection with this block. As persons were selected and taken to Block 46 through the sick bay then they knew that they were concerned with a lethal or fatal affair. The horror which was attached to this block was what made things even worse for them. Apart from that it was generally known in the camp that in Block 46 this Capo Arthur Dietsch was exercising iron discipline. There the cat of nine tails really ruled supreme. Everyone, therefore, who went to Block 46, as experimental persons then looked for the expected death and under certain

Court No. 1

circumstances a very long, drawn out and frightful death, which he was imagining all of the time, and he would also have to expect torture and complete removal of the last remainder of personal freedom. It was in that psychological condition that these experimental persons were waiting in the sick beds for a period of time, the length of which they did not know. They were waiting for the day or for the night when something would be done to them, something of which they did not know what it might be, but of which they expected they would have some frightful form of death in store for them. The infection was so thorough that there was always the most horrible form of typhus, and it happened quite often there were frightful scenes which the Cape Arthur Dietrich would keep down with iron discipline, because the patients were afraid they were given lethal injections. After a certain period when the actual illness had set in after the infection, ordinary symptoms of typhus would appear, which, of course, as is known, is one of the most frightful illnesses. The infection, as I have already described to you, and particularly during the last two and a half years got so that there were almost always the most horrible symptoms of typhus. In some cases there were outbreaks of insanity, delirium, people would refuse to eat and a large percentage of them would die. Those who went through that disease in a lighter form lived because their constitution was strong, and because the vaccine was effective, but they were forced to observe the death struggle of the others at all times, and they were living in an atmosphere which it is hardly possible to imagine and just what happened to those people who survived the typhus was something which they did not know during the period of convalescence. Would they remain in Block 45 to be used for other purposes? Would they be used as assistants? Would they be used as surviving witnesses of the special experiments and would they have to fear death because of that? All of that was something which they did not know and which aggravated the conditions of these experiments.



Q. Now, Mr. Kogon, do you know whether Dr. Ding ever made a report on these typhus experiments which you have described to the Military Medical Academy?

A. Every experiment carried out in Block 46 in Buchenwald was set down in accurate minutes. On the strength of the notes made in Block 46, temperature diagrams and reports and final results served for the compiling

of a report to the Chief SS Hauptsturmbannführer of the SS and was sent to him together with the copy. These copies were also destined for any other department which was also interested in the experiments. In other words, if we were concerned with an experiment which was carried out in

collaboration with the Behring Works or in collaboration with the Military Academy or the Reich Ministry of the Interior, then that department would be contained in the distribution chart of the original report.

Q. When you say that the reports were sent to the Chief Hygienist of the SS; whom do you mean?

A. The Chief Hygienist of the SS was SS-Oberfuehrer Professor Doctor Drugowsky.

Q. You said the original of these reports together with copies; did Ding attach distribution lists to the copies noting to whom they should be sent?

A. In practice, this changed. At the beginning of my activities as Dr. Ding-Schuler's clerk, he took these reports to Berlin personally. And they were distributed from there; without my knowing details as to where they went. Later on, on frequent occasions, these reports together with the corresponding number of carbon copies for each individual were sent off. For instance it would state on the distribution chart, "To Reichs Medical Officer of the SS, To the Chief of Department XVI, SS-Oberfuehrer Professor Doctor Drugowsky." Then came the original and four carbon copies. There were even copies for Ministerial Director Dr. Christensen, Reichsminister of the Interior, Professor Lockemann and the Behring works.

Or in other cases, if we were concerned with the experimental Department V at Leipzig, and reports went to Oberfuehrer Poppendick, it would say for Messrs. Firm of Meddau, or Sturmbannfuehrer Doctor Werner.

Q. Can you remember any instance in which a written report on the typhus experiments was in fact noted for distribution to the Military Medical Academy?

A. The contact with the Military Academy in Berlin is known to me from two or three instances. In the first case, we were actually concerned with a meeting. It was the third Military-Medical Session or Meeting in Berlin. During this meeting, Dr. Ding was making a report about typhus experiments. I do not know whether he actually openly mentioned during that meeting that there were experiments going on in a concentration camp. I expect I guessed from subsequent

events, however; at least, it was apparent by means of suspicion since Dr. Ding told me in June, 1943, that professor Rose spoke against these experiments and objected against these experiments quite openly before the entire Congress. He described these experiments as "superfluous." And Dr. Ding, as he told me later in June, 1943, and the Congress had been in May, had rather a difficult position against Professor Rose because the German scientists who were assembled there must have been quite clearly aware of the facts since at the end, Dr. Ding found only one way out--that of hiding behind the secrecy of the Reich.

The two other cases only concerned typhus. In one instance--no, I beg your pardon, I must correct myself--in both cases we were not really concerned with typhus. We were concerned with the production of blood plasma and the examination of the old blood plasma which the Military Academy at Berlin had entrusted to the Concentration Camp in Buchenwald in order to have it examined in Block 46.

Q. Witness, I think we will hold the explanation of the blood plasma experiments until a little later on in the examination. Right now, I would like to go back again to this meeting of the Military Medical Academy at which said Dr. Ding made a report on the typhus experiments. I will ask you if Dr. Ding was rather excited at the objections interposed by Professor Rose at this meeting?

A. Dr. Ding had been in a condition of considerable excitement for a number of days. During the first weeks of my own work with him, I had not actually formed any close relationship to Dr. Ding. In spite of that, he told me on three or four occasions, again and again, and then under considerable excitement, using curses, what he thought of Professor Rose, and that Professor Rose had dared turn against the experiments carried out by Ding on human beings in public. I should not like to repeat some of the expressions which he used.

Q. And you say that after Rose had made his objections that



Ding would only say to the meeting that the experiments were top secret?

A. Dr. Ding told me that he had no way out at the end, but to tell this Professor, using corresponding expressions on that occasion, that there are certain spheres which even a professor would have to respect; therefore, he would be compelled to keep certain matters secret.

Q. And when do you recall that this meeting of the Military Medical Academy took place at which Ding made his report?

A. To my recollection, this was in May, 1943.

Q. Now, Witness, can you tell from the remarks made by Dr. Ding after this meeting whether Professor Rose's objections were interposed on moral grounds or shall we say on scientific grounds? Was he objecting to the scientific value of these experiments?

A. I can only repeat my own impressions based on the statements made by Dr. Ding. Perhaps some would be inclined in my position as a prisoner to overestimate from a human point of view, the resistance put up by Professor Rose. It was my impression that it was both for scientific as well as human reasons that he objected. After Ding's statement, Professor Rose said that animal experiments with typhus had produced clear-cut results and that the human experiments which had been made, did not in any individual point exceed the results of animal experiments. Therefore, from the scientific point of view, they had to be superfluous; in fact, even otherwise. And this is what Ding had been saying had been unnecessary. This also was interpreted by me as being from the human point of view.

Q. Now, Witness, I am going to ask you if anything happened after this meeting which made you change your mind about the humanitarian motives of Professor Rose on the occasion of his speech?

A. Approximately one year later or maybe nine months later, Dr. Ding was showing me triumphantly an order from Professor

Wire No. 1

Mrugowsky dealing with a new series of experiments which were to be carried out in Block 26, this time with the so-called Ibsen-vaccine obtained from Copenhagen which had been produced from the liver of mice. This vaccine had been supplied for the very purpose of experiments in the concentration camp at Buchenwald by Professor Rose. He had made a corresponding application to Mrugowsky. Dr. Ding thought and said laughingly, "you see Kogan, now he too has given in."

I must say quite openly, I was flabbergasted because Professor Rose's

resistance put up in May, 1943, had been considered by me a symptom of the survival of the ethics of German scientists and medical men. This experiment with the Ibsen vaccine, did in fact, afterwards take place and an explanation of this contradiction in Rose's attitude adopted in the Third Medical Congress in Berlin is one I cannot comprehend. In my book, "The State," I left this question open although I mentioned it.

Q Do you recall whether any of the experimental subjects died during the course of the series of experiments requested by Rose?

... That is something which I cannot ascertain today according to my diary. I believe that there was one person, but I am really not sure. It would have to be ascertained from the diary.

Q. But he suggested, that is Ross suggested, using a Copenhagen vaccine made from the liver of mice in 1944; is that correct?

A. Yes; I think it was in January or February of 1944.

Q. Now, witness, you have mentioned a book and since you brought the point up; is it true that you have written a book on your experiences and your observations in the Buchenwald Concentration camp?

A. Not in that form, no. I have written a book, called "The SS State" concerning the system in German concentration camps, but that does not deal with my personal experiences. It describes the structure of the camps and in this connection Buchenwald, where I myself have lived through and which I have survived, was always used as a proper example.

Q. And did you deal in this book with the typhus experiments at Buchenwald at some length?

A. Yes.

Q. Do you know whether this book has become available to defense counsel in this case?

A. The book has been for sale now for a few weeks and it is perfectly possible that the defense counsel may have read it.

Q. Now, in connection with the typhus experiments in Block 46, I wish that you would tell the Tribunal what connection the defendant Hoven had with those experiments?

A. As I already mentioned yesterday, Dr. Hoven was Dr. Ding's deputy. Dr. Ding was absent from Buchenwald quite frequently. Dr. Hoven could not start any series of experiments on his own initiative as Dr. Ding was the only one authorized to start such experiments and he was under Dr. Krugowsky's orders. Dr. Hoven was responsible for the supervision of the carrying out of those experiments, the visits to patients, the reports by means of temperature curves, diary notes and report sheets; in other words to secure an orderly record of these experiments. Secondly, Dr. Hoven was indirectly connected with typhus experiments insofar as the request for selectees,



as this was sometimes, as I already emphasized, made through the camp physician.

Q. Now, I want to come back for a moment to the experiments with the Copenhagen vaccine, requested by Professor Rose and I will ask you to look at page 23 of the Ding diary, which is Prosecution Exhibit 287, and see if this refreshes your recollection as to whether any of the experimental subjects died. If it please the Tribunal, the corresponding translation of the English text is on page 49 of the Document book and at the bottom and top of page 50.

(Page 23 of the Ding Diary is shown to the witness.)

Will you now state, after refreshing your recollection with the Ding diary, whether any of the experimental subjects died during the course of this Copenhagen vaccine experiments?

A. Now I can remember the following circumstances. After the end of this series of experiments and after the result of many serious illnesses in that series of experiments, I say six fatalities among thirty, which meant twenty six in practice because four dropped out early because of other illnesses. After this result, as I was saying, had become known to us in Block 50, I, together with a number of my comrades, doctors and scientists discussed this affair at great length. It now became clear to me and I now recollect that there were more fatalities and that we were most depressed about this fact, particularly connected with so important and significant a scientist as Professor Rose.

Q. Now, witness, will you mention for the record the names of a few of those scientists, who were working with you in Block 50?

A. I will mention Lecturer Dr. Ludwig Fleck, Lemberg; specialist in the field of research and the combating of typhus; Dr. Karl Makewitschka, Prague, bacteriologist; Prof. Dr. Alfred Walschewsky the Pasteur Institute; Dr. Dr. Etienne Suess; Prof. Dr. Witz, of the University of Strassburg; Dr. Dr. van Linzen, Amsterdam; and Dr. Marianne Vigilowski of Karlsruhe.

Q. Now, to go back to the typhus experiments; can you tell the Tribunal approximately the total number of inmates experimented on with typhus?

Exhibit No. 1

A. The total number of experimental subjects, who went through Block 46, including the so-called passage persons, totalled nearly one thousand persons. Of these more than half were passage persons used for typhus experiments.

Q. And can you tell the Tribunal approximately how many people died from the typhus experiments, as distinguished from the so-called passage experiments.

A. That varied from case to case, it varied very much. There was one series of experiments with a chemo therapeutical preparation from I.G. Farben and a series of experiments in which among the persons, who were immunized, nearly as many died as among the so-called control persons; in a concrete case there were 56.5% among the control persons. Among the immunized persons, who had been treated with this agent, before they were injected and since it was a chemical therapeutical agent, after the injection 53.3% or 53.4%. If there were twenty persons in each series, twenty more immunized control persons, twenty who were treated with this agent and twenty who were vaccinated with another agent, so that a comparison could be made, then in each group of twenty people, more than ten died.

Page No. 1

Q. Would you say that the total number of persons who died as a result of the typhus experiments would exceed one hundred?

A. As far as I can recall the total number of deaths from typhus experiments in Buchenwald, not including the passage persons, was between 150 and 160.

Q. Now, let's pass on to some of the other experiments at Buchenwald. What can you tell us of the para-typhoid A & B experiments?

A. The experiments with para-typhoid A and B took place at a time, as far as I can recall, I had just entered the pathology section in Buchenwald, but I am not quite sure of the time but in any case I was not yet so directly informed by documents as was later the case. I know of one example when para-typhoid A bacilla were given to prisoners in Block 46 in potato salad and the effects of this food were observed. As far as I can recall, the report was sent to Professor Lockemann in Berlin, I believe, of the Robert Koch Institute. Details about the experiments with yellow fever, smallpox, para-typhoid A and B, typhoid fever, and a few others I cannot give because, as I have already said, I did not have direct information from my own activity in Block 50 and our entire attention at that time was directed to the typhus experiments in Block 46.

Q. Can you state whether or not any experimental subjects died as a result of any of these other disease experiments, that is, other than typhus?

A. A number of persons, a comparatively small number, died as a result of other experiments. A very large scale series of experiments, for example, was introduced with yellow fever, but the infection did not take and these experiments, which as far as I recall, included over 140 persons, were discontinued. The number of deaths, of course, depended on the nature and the manner of execution in each individual experiment. There was an experiment which affected only four persons and all four might die - did die in this case -

and other experiments with 40 or 50 persons where there are only two or three dead. The total number of deaths in all experiments, with the exception of typhus experiments, according to my recollection, was considerably less than the number of deaths from typhus and from transfer of typhus cultures through passage persons.

2. Do you know anything about experiments with poisons in the Buchenwald Concentration Camp?

A. I know of two such cases. In the one case it was about the turn of the year 1943-44, or in the late fall of 1943, and the second case was probably in the summer of 1944. In each case Russian prisoners of war were used for these experiments. In the first case various preparations of the so-called alkaloid series were put in noodle soup, and 4 of these prisoners of war who were in Block 46, who of course had not idea what was going on, this noodle soup was given to them. Two of these prisoners became so sick they vomited, one was unconscious, the fourth showed no symptoms at all. Thereupon, all four were strangled in the crematory. They were dissected and the contents of their stomachs and other effects were ascertained. The experiment was occasioned by the — was ordered by the SS Court, by the SS investigating judge, Sturmbannfuhrer Dr. Morgan. It was carried out in the presence of Dr. Ding, Dr. Morgan, Dr. Wehnert, SS Hauptsturmfuhrer and SS Sturmbannfuhrer SS Schacht or SS leader Florstedt. The second experiments —

Q. Witness, before continuing with the second experiment, I would like if you could tell the Tribunal the reason for carrying out this poison experiment which you have just mentioned?

A. In the summer of 1943 there was a trial going on under the SS court in Berlin against the former commandant of Buchenwald and later commandant of Lublin, concentration camp in Poland, SS Standartenfuhrer Koch. It was reaching its climax. The investi-



Page No. 1

gation had lead to very serious charges against Koch, unless the reason was that SS Overgruppenfuhrer Fritz Waldeck, then head of the SS Oberabschnitt Fulda-Werra, was personally combatting Koch, and that this personal antagonism of the two men had brought about the trial.

One by the name of Kochler, a Hauptscharfuhrer in Buchenwald, was arrested by Dr. Morgan and kept in custody in the Buchenwald Concentration Camp. This Hauptscharfuhrer seemed to have testified something against Koch. Two or three days later this Hauptscharfuhrer Kochler was found dead in his cell. A few hours before he had been quite healthy. He seemed to have taken poison. Dr. Morgan stated that Dr. Hoven, together with the guard, Hauptscharfuhrer Sommer, had killed Kochler in the presence of a scientist from Jena. Kochler was dissected in the dissecting room and two of my comrades were present at this autopsy. The head of the pathology section was there and in the stomach of the dead man drugs from the alkaloid series were found. The amount and the specific type was not known. In order to determine the fatal dosage of poisons of this type the SS Court ordered an experiment on four Russian prisoners of war, the experiment which I have just described in Block 46. On the 20th of September, 1943, Dr. Hoven was arrested at Dr. Morgan's orders and remained under the custody of the SS court until the end of March 1945. I know the date exactly because on that day, which was a Saturday afternoon, Dr. Hoven came to Block 50 on his motorcycle, asked me about Dr. Ding Schuler, who was not there, and went away again quite depressed and half an hour later I learned from the hospital, the prisoners' hospital, that Dr. Hoven was expected to be arrested himself.

Q. In other words, Hoven was suspected by Morgan of having done away with the witness against Koch, is that right?

A. Yes.

Q. Now, will you explain to the Tribunal about this second poison experiment?

Exhibit No. 1

A. In the summer of 1944 - I am not quite sure about the time -  
Mr. Ling, whose name was already Schuler, at that time came from  
Berlin and told me he had a very unpleasant task to carry out. It  
was extremely secret he said, and after a few hours without my  
being asked, he told me in his room, he told me details about it.



Russians, were administered this poison. I do not know how it was administered. As Ding-Schuler later told me, they died in a very short time. They were dissected and burned. A written report on this matter Dr. Ding did not send to Berlin. He told me to report this to Grugewsky orally. Ding was not only silent about this matter, but afterwards he was very secretive about it. He did not want me to talk about it anywhere. From hints and indications in his conversation I learned that there were experiments -- that there was a connection with experiments in the Concentration Camp Sachsenhausen near Oranienburg which Grugewsky had carried out in Ding's presence. Prisoners must have been shot with poison bullets there because Ding said that a Russian prisoner of war had succeeded in having a wife, I think in my, or attacking Grugewsky, but that the prisoner had been subdued immediately.

In any case Ding did not want to have anything more to do with the matter even in my presence. A short time later the prescription and the sealed envelope were burned in my presence by Ding. He held it over a candle in my presence and burned it. I did not learn the contents.

Q Did you know anything about experiments in Buchenwald with incendiary bombs?

A I cannot remember any more about this subject in the examination of this witness, the Court will recess.

(Recess was taken.)



THE MARSHAL: The Tribunal is now in session.

Q. Witness, I had just asked you before the intermission whether or not you know anything about experiments conducted at Buchenwald with the phosphorus content of incendiary bombs.

A. I did not hear the German translation. Will you please repeat the question?

Q. It is coming through now?

A. As far as I can recall, I was told by Dr. Ding in the Spring of 1944 that he had been given orders by Professor Dr. Krugowsky in collaboration with the firm Madaus & Co. at Dresden-Radebeul to carry out experiments on human beings with regards to the effect of a drug against the contents of phosphorus kauchuk incendiary bombs. I had the impression as if the idea for this experiment had come from Dr. Ding and had been given to Dr. Krugowsky by him, and then he had obtained the approval to carry out this experiment. On the part of the firm Madaus, negotiations were led by a certain Dr. Koch. He had a drug which he called R-17 and which was given to the German population after attacks which incendiary bombs.

By way of Obersturmbannführer Dr. Koch and the higher Police Leader of the Dresden sector, the contents of phosphor incendiary bombs were sent to Buchenwald, and four experimental persons from Block 46 who had survived other experiments had this phosphorus liquid applied to their forearms, and the whole mass was then inflamed and then was treated in the various manners. In the case of one experimental subject water was used in order to wipe off the liquid, and in other cases a damp rag was applied and in the last case, R-17 was applied. Several experiments were carried out on four subjects.

In one instance the drug R-17 was applied immediately after the mass had been inflamed, and in another instance after approximately five minutes and in another case yet after thirty minutes. After the mass had burned the arm, serious burns developed which

were still observed for two weeks afterwards. The experiment was conducted by the Special Section 5 at Leipzig, and photographs were taken of the wounds. And previously experi-

experiments on animals had been carried out in Block 50 on rabbits. These experiments were conducted in the same manner, and the various results were also photographed, and the photographs were compared with each other, and they were put into an album that was exactly described, and 4 paraffin were sent to Berlin -- two copies. One was sent to Professor [unclear], and the other was sent to Oberführer Poppendieck, but I am not quite sure about that. I believe that Oberführer Poppendieck must have received a report on this matter because Dr. Ding intended to write an article about this in a German medical journal.

Q Now, you have mentioned an album report. Did you see this report?

A I have personally seen the report after having it dictated to me by Dr. Ding.

Q I will ask you if the document which I will now have handed to you, and which is Document NC-579, is the report on these incendiary bomb experiments which you have described.

MR. BELMONT: I will ask that the original of this document be passed to the Tribunal.

Q I didn't hear any answer to the question.

A Yes. It is a carbon copy of the report with the original photographs.

MR. BELMONT: I offer Document NC-579 as Prosecution Exhibit 288, and I will ask that the original be passed up to the Tribunal for inspection. I will ask that the Tribunal turn particularly to Page 15 and following of the exhibit itself. For I say, the original. I think you would find the pictures more easy to discern in the original document. Pages 15 and following are pictures of burns on the arm of human beings.

Q Witness, did you see any of the experimental subjects that were burned with this phosphorus?

A I personally have seen all the experimental subjects because this experiment was carried out in the private room of Dr. Ding in Block 50 and in the library of the Hygienic Institute in Block 50. The reason for this

was that the execution in Block 50 amongst the experimental subjects that were located there and who were destined for other purposes - I have agreed for too much excitement.

Q. Were those burns very severe?

A. As far as I can recall they were very severe in three out of the four cases.

Q. Did the experimental subjects suffer any pain?

A. From Capt Arthur Dietrich I had been advised that the persons were to be given an anesthetic as soon as they came into Block 50 so much violent scenes could be avoided, and in Block 50 which was completely different from Block 46 it was to be avoided, that the persons were handcuffed, as was the common practice in Block 46. The persons were thus, at least, in the first experiment, but I have only seen the persons. I have not personally witnessed the experiments, and I have seen them before as well as afterwards. It was, at least, during the first experiment the persons were given an anesthetic and after about half an hour they regained consciousness and complained about very severe pains. You could see that they were really suffering very badly. I must confess that I personally after having looked at the photographs, that I personally almost became sick.



Q Do you know whether the injuries which they received  
were permanent?

A In the case of some of the wounds, it is completely  
possible that they will ever become completely healed; very  
few scars must have remained because the wounds were big and were  
as deep as from six or ten to a half centimeters.

Q Do you know whether any of the experimental subjects

A Four persons were returned to Block 46, and I do not  
know anything about their future fate which waited for them.  
I probably do not know if they were used for further experiments.

Q Do you know the nationality of the experimental persons  
used?

A No; however, all four were the main triangle which was  
a highly honored criminals and that they were Germans.

Q And, you state that the purpose of these experiments  
was to test certain chemical preparations of the German Company  
in treating the burns?

A Yes.

Q And is there in the all blood plasma experiments which  
concerned not earlier this burning in connection with the Military  
Medical Academy. What do you know about these experiments?

A The Military Academy in Berlin? I am not sure -- was  
the Military Medical Academy? I do not know the name,  
probably, by name at this time. In the year 1940, they made the  
preparation of a university that all blood plasma concerned which  
was made at Berlin should be tested on experimental subjects;  
that, blood transfusions were to take place, and it was to be  
seen if this blood plasma could probably be administered  
without having any ill effects on the subjects. In particular  
it should have any effect of shock in the case of the experimen-  
tal subjects. Persons were selected by Arthur Dietrich, but I

and as to what category of prisoners they belonged to.  
However, I believe that this was left to his personal decision.  
The experiments were carried on for a rather long period of  
time. If I remember correctly until the first month of the year  
1935, the report about the feasibility of this blood plasma  
was regularly sent to Berlin to Dr. Krugowsky with a carbon copy  
for the Academy.

Q Can you say whether any of the persons who were sub-  
jected to this old blood plasma transfusions suffered any ill  
effects?

A I can recall from the reports which I have read that  
several cases -- several complaints by Arthur Dietzel were made,  
that certain series of numbers of this old blood plasma were  
afterwards discontinued. The experimental subjects were infected  
with blood serum, and apparently had been used in other experiments  
in Block 48, 8, and in Block 50, discussed the matter both from  
a scientific point of view and from a practical point of view,  
the experiments did not have any specific value because persons  
who showed some effect or who died from these experiments, it  
could not be clearly determined what specific effect the  
results had been caused.

Q You state, then, witness, that some of the experimental  
subjects who were subjected to the typhus experiments and to  
the old blood plasma experiments eventually died?

A I believe I can recall -- I am quite certain that some  
did die. Only, the specific causes could not be clearly de-  
termined because the persons died as an immediate result of these  
infections.

Q At the same time, you could not tell whether the cause of  
death was the type of the previous experiment or the old  
blood plasma experiment; is that right?

A It is correct. 1191

cannot say as to what category of prisoners they belonged to. However, I believe that this was left to his personal decision. The experiments were carried on for a rather long period of time. If I remember correctly until the first month of the year 5. 44, the report about the feasibility of this blood plasma regularly sent to Berlin to Dr. Bruckwehly with a carbon copy for the Academy.

Q Can you say whether any of the persons who were subjected to this old blood plasma transfusions suffered any ill effects?

A I can recall from the reports which I have read that several cases -- several experiments by Arthur Dietsch were made, in a course in series of numbers of this old blood plasma were given to the prisoners. The experimental subjects were infected in these cases, and apparently had been used in other experiments in Block 46. So, in Block 50, discussed the matter that from a scientific point of view and from a practical point of view, the experiments did not have any specific value because persons who did not have any effect or who died from these experiments, it could not be clearly certain as to what specific effect the deaths had been caused.

Q You stated, then, witness, that some of the experimental subjects who were subjected to the typhus experiments and to the old blood plasma experiments eventually died?

A I believe I can recall -- I am quite certain that some of them died. Only, the specific causes could not be clearly determined. There could be no personal effect or an immediate result of these experiments.

Q This work, who could not tell whether the cause of death was due to the type of the previous experiment or the old blood plasma experiment; is that right?

A That is correct. 1191

Q Do you know approximately how many inmates were subjected to this old blood plasma test?

A In my single experiments a group of from 12 to 20 persons were used, and it always varied. As far as I can recall at least five such series were selected.

Q Now, do you recall any experiments with blood taken from typhus convalescence to produce a serum to be used as an anti-typhus?

A In Block 30 there was a guinea laboratory, that is to say, a laboratory which had been placed at the disposal of the Sturmbannfuhrer Doctor Ellenbeck. It was not under Doctor Selzer. This Sturmbannfuhrer Doctor Ellenbeck was directly subordinate to Doctor Selzer. As I found out from Doctor Selzer, he had a horse from a quartermaster to get typhus serum from the German Red Cross in order to supply the Berlin 30 hospital and other 38 hospitals. Approximately toward the end of the summer of 1944 until the spring of 1945, the typhus convalescence in Block 46 -- blood was taken from them regularly, and it was usually between 250 and 500 centimeters of blood which was drawn into this serum, and which was taken from these patients. This was kept in Block 46 and then it was sent to Block 50, and whenever a wagon arrived from Berlin it was dispatched from Block 50.

Q Do you know whether any of these convalescence patients had as a result of having the blood taken for the purpose of making it into a serum?

A Actually the convalescence serum -- it was made by physicians to take it from convalescence patients who were convalescing from typhus. However, in this case, the particular circumstances which were in the concentration camp, and in particular Block 46, must also be considered. Toward the end of 1944 we were almost completely out of drugs, and the typhus convalescence patients



in Block 46, around this time, were also really suffering from  
the diseases, those who had been sent to Buchenwald Concentra-  
tion Camp in transports. It became increasingly harder to find  
any more. As a result of this, taking the blood from the con-  
centrated patients, under the circumstances, meant an extra-  
large burden on the patients. At this time, a large number  
of the patients died. However, the same thing applies, that I  
have already said in regard to the 20 years use of the experi-  
ence. The specific cause of this could not very easily be  
ascertained, and it was completely impossible to ascertain it.

Chart No. 1

Q. The translation came through that in this case where there were courses of death such as in the case of the Phosphorus-Kantchuk experiments you didn't determine the cause of death. I take it you mean not the Phosphorus-Kantchuk experiments but rather the whole blood plasma experiments?

A. Yes, the experiments which I made. I am referring to the experiments about the transfer of plasma. I have made a mistake.

Q. Now, witness, were there other occasions when blood was taken from inmates of the Buchenwald Concentration Camp for the purpose of making blood plasma?

A. There were quite a large number of cases. In my experience in particular Stornemannbauer Ellenbeck systematically selected the invalids and the girls were taken from the so-called small camp under horrible conditions; and he used that to get blood for his St. Hospital and other purposes. In the so-called small camp at Buchenwald, there were seventeen barracks; and they were situated in very narrow spaces. Around this period of time when Dr. Ellenbeck started taking blood, there were approximately ten thousand people. They were crowded in a very narrow space in barracks. There were as many as fifteen hundred people in one narrow barracks which was hardly enough for four hundred fifty. The people were lying in very small bunks; and they were perched together there. In this small camp there was a special barracks for the invalids which was filled primarily by Frenchmen. Around this time the little camp was almost exclusively occupied by Frenchmen.

The people were told that they would be given special food if they declared themselves ready to give their blood. In the little camp, rigorous starvation was prevailing. Block 50 was directly adjoining to the little camp. It was possible to control all other conditions there in all possible respects. A large number of Frenchmen, invalids and old people reported and gave their blood. In this case it was a matter of 150 to 200 cubic centimeters. However, very frequently as much as 400 cubic centimeters were taken away from them.

They were given a piece of sausage. Then it was a piece of liverwurst,

Chart No. 1

...and it was hardly to be described as liverwurst; or they were given Blutwurst, or some kind of sausage, which was of much better quality. They were also given a lot of bread. I believe they were given three hundred grams.

This was carried on until April, 1945; and the prisoners were in such a condition that there were always a sufficient number of people who volunteered to have their blood taken, in spite of the monstrous conditions in the little camp and in their exhausted condition, just in order to be able to get this piece of bread and this little piece of sausage. The blood was sent by couriers from the SS hospital at Berlin, and it was taken there by them.

Q. You would say then that Dr. Ellenbeck and his associates were engaged in selling bread and sausage for blood?

A. Well, that is not quite a correct description. They demanded blood; and they told the people to give their blood. So-called guards in the medical service in the hospital at Berlin then went into the little camp and, as they expressed it, they drew the blood from the prisoners. Then Dr. Ellenbeck gave the prisoners who were working in this laboratory the information that they were to see that the people would be reimbursed in food for their sacrifice. Upon the demand of the prisoners who were working with them, he issued an order to the camp hospital from where the bread and the sausage were then furnished. Three prisoners in his guest laboratory in Block 50 received their rations, from documents which I had, the rations which had been sent for blood donors by the SS; and they submitted these ration allowances to Dr. Ellenbeck, asking him to see that these invalids and old people in the little camp would receive this fixed allowance.

Dr. Ellenbeck did not have the authority to issue orders in the concentration camp Buchenwald. He was a guest there. In Block 50 this order was not forgotten; and the people were given what had become common practice in the concentration camp, which in many instances depended on the temperament of the man who had the authority there.

Q. Do you know under what orders Dr. Ellenbeck took this blood?

Court No. 1

which could hardly be described as liverwurst; or they were given Blutwurst, or that kind of sausage, which was of a much better quality. They were also given a lot of bread. I believe they were given three hundred grams.

This was carried on until April, 1945; and the prisoners were in such a condition that there were always a sufficient number of people who volunteered to have their blood taken, in spite of the most atrocious conditions in the little camp and in their exhausted condition, just in order to be able to get this piece of bread and this little piece of sausage. The blood was sent by couriers from the SS hospital at Berlin, and it was taken there by them.

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Dr. Ellenbeck did not have the authority to issue orders in the concentration camp Buchenwald. He was a guest there. In Block 50 this order was not forgotten; and the people were given what had become common practice in a concentration camp, which in many instances depended on the temperament of the men who had the authority there.

Q. Do you know under whose orders Dr. Ellenbeck took this blood?



Part No. 1

A. It was under the orders of his chief, Krugowsky.

Q. Can you say whether any of those blood donors in the little camp accidentally died following the taking of the blood from them?

A. The question shows that it is very difficult to gain a real concept of the little camp at Buchenwald. The people died there in masses. During the night the corpses were lying in the blocks naked because they were thrown out of the bunks by the other prisoners so that they would have a little more space. Even the smallest pieces of clothing were torn away from them by those who wanted to survive. It is impossible to determine if directly and immediately as a result of the taking of blood anybody died because many people fell down and died while walking or even in the little camp.

But it is very hard to say to any one who has known the conditions there how the taking of blood, even if it gave a small measure of strength to the people as far as food was concerned, was a considerable contribution toward the death of many of these people.

Q. Now, witness, I think you would need at an earlier point in the examination here that a report was sent to Poppendick in connection with certain experiments on the homosexuals by Dr. Varnet in Buchenwald. Will you tell the Tribunal what you know about these experiments?

A. In the late spring or early summer of 1944 Dr. Ding told me that he had been ordered to assist a Danish Sturmbannfuhrer, Dr. Varnet, in the carrying on of such experiments.

Afterwards I saw the exchange of letters; and the order was issued directly by Poppendick. I had seen the whole subsequent correspondence. As far as it was between Dr. Ding and Poppendick, I had either written or read the letters whenever they arrived. This Danish Sturmbannfuhrer, Dr. Varnet, Block 50 and requested Dr. Ding to furnish him prisoners for his experiments. At this period of time Dr. Ding wanted to have as little as possible to do with things that were outside his field of competence; and therefore he referred him to the camp physician, Dr. Schildauski. Then indeed Dr. Varnet

Exhibit No. 1

collected approximately fifteen experimental subjects through the camp hospital  
prisoners. For what reason the reports then still were submitted over  
Dr. King to Poppendick I cannot say anywhere at this time.

From time to time Poppendick came to Buchenwald; and the rest of the time  
as far as I know he worked with the experimental Section 5 at Leipzig where  
Poppendick had authority. There the experiments themselves had the aim through  
the transplantation of glands to cause a change in the sexuals and to cause  
a complete change in these people. The SS physicians in the camp constantly  
made the biggest jokes about this sort of operation. Two persons died in the  
course of the operations which were carried out.

Q. Now witness you stated that you saw some of the correspondence between Poppendick and Schuler in connection with these hormone experiments.

A. I believe that I can recall that. I saw the first letter from Poppendick which contains the order to Schuler to assist Dr. Varnot and that I have also seen the further correspondence. If I am remembering correctly the first letter stated that contact had been established with Dr. Busky and that Dr. Ding-Schuler could assist Dr. Varnot. It is quite possible that Dr. Ding, in accordance with instructions by Poppendick, on that point he turned to Krugewsky for this approval.

Q. Witness, I will ask you if you have ever seen before the letter which I am now having handed to you and this is document No. 1300.

A. I have seen this letter.

Q. Did you see it in the concentration camp at Buchenwald?

A. I have seen this letter only in the Buchenwald Concentration Camp in Block 80, and I have not seen it since that time.

MR. McHANEY: We offer this document as Prosecution Exhibit No. 259.

THE COURT:

Q. I will ask you, witness, if you gave this letter to the Office of Chief of Counsel?

A. No, I did not.

MR. McHANEY: If Your Honor, please, we offer this document in evidence, not on the identification of this witness, but as a document captured by the Allied Forces and received by this office in the major course of business. I put the question to the witness to corroborate the testimony which he has previously given with respect to correspondence which he had seen from Poppendick to Ding. This letter was not given to the witness and at this time I would like to read into the record document No. 1300, which is Prosecution Exhibit 259:

This letter is dated 15 July, 1944, from the defendant Poppendick to Dr. Ding. It is on the letterhead of the Reich Physician SS and Police. Subject: Hormone Research SS Sturmbannfuhrer Dr. Varnot:

To SS Sturmbannfuhrer Dr. Ding,  
Concentration Camp  
Buchenwald:

Dear General Ding:

By request of the Reichsfuehrer SS the Danish doctor SS-Stubaf. Dr. Vernet has been given opportunity to continue his hormone research at SS, particularly the development of the artificial gland. The Reichsfuehrer SS anticipates certain results from the treatment of prisoners with Vernet's artificial gland. The technical preparations have come to such a point that experiments on human beings can be started within a reasonable space of time.

As SS-Standartenfuehrer Dr. Dolling informed me the SS Weismar-Buchenwald has been directed to make available 5 prisoners for SS Standartenfuehrer Vernet's experiments. These prisoners will be made available to SS Stubaf. Vernet by the physician at any time.

"SS Stubaf. Vernet intends to go to Buchenwald shortly in order to carry out certain necessary preliminary tests on these prisoners. In case there will be special laboratory tests, you are requested to assist Vernet within the scope of your possibilities.

"Particulars on Vernet's research are sent today to the camp commandant of the Weimar-Buchenwald for his information.

"With cordial regards and

Heil Hitler

By orders

Yours

Signature: Pappenheim"

W. M. MURPHY:

Q. Now, witness, you have heard this document read and you will recall that it stated that five prisoners were to made available. I think your testimony herebefore has mentioned a subject higher than. In view of this letter do you still think they used were then the prisoners for the hormonal experiments?

A. Without any doubt there must have been at least fourteen or fifteen people in the course of the time from the summer of 1944 until approximately February, 1945. Then Dr. Vernet did not appear any more at Buchenwald.



Q. And you state that two of these persons operated on died, is that correct?

A. Two persons died.

Q. Was there a report made on the result of these experiments?

A. Between Dr. Ding and Oberfuehrer Poppendick there was exchange of letters in which Ding outlined his report on the operations conducted at Buchenwald, about all of his activities until, and reports were read quite considerably from the reports which were submitted about experiments in Block 46 regularly to the Chief Hygienist, Dr. Mrugowsky. The previously mentioned reports were provided with all necessary documents and the letters to Poppendick were only generally mentioned and it was left to Vernet himself to submit very much more detailed reports.

Q. And I think you have stated earlier that Poppendick also received a report on the phosphorus burn experiments, is that right?

A. I believe I am quite certain that I can recall it.

Q. Now, Mr. Kogan, can you amplify on the position of Mrugowsky with respect to the experiments carried on in the Buchenwald Concentration Camp, and I mean to include experiments other than those of typhus?

A. The relationship between Dr. Ding and Mrugowsky was not the same at all times. Dr. Ding had participated in the French campaign in 1940, and at that time he was the personal adjutant of the SS Divisional Medical Office, Genzken. Genzken had a special weakness for Ding and he was protecting him. Until the spring of 1943 Genzken worked in the Medical Office of the Waffen SS and he was the man in charge there, and Mrugowsky who had the of Sturmbannfuehrer at the time and Ding who was Hauptsturmbannfuehrer, both of whom were subordinated to him. This I could gather from the exchange of letters between Genzken and Ding and from statements by Dr. Ding. There was a certain rivalry between Genzken and Mrugowsky. Mrugowsky kept on advancing in grade and Genzken was pushed aside more and more. The Department, Rassen Hygiene, in Medical Main Office of the Waffen SS was given more and more independence. Finally, Mrugowsky became independent of Genzken

and he became the direct man in charge of Dr. Ding. This happened approximately between April and June, 1942. Dr. Ding still tried for a time to keep Gonzkon as his Chief, that is as Chief of The Department. He tried to figure certain assignments and at least in some respects keep him independent from Drugowsky. It was called the Chief in Charge

Section of the Department for special assignments and approximately at that time, in the summer of 1943, I had several times the impression that Dr. Ding did not know himself any more to whom he was exactly subordinate in all details.

A. However, in the late summer of 1943, the situation had become completely clarified. Mrugowsky became the sole chief of Dr. Ding and every experiment which was carried out in Block 46, whatever concerned it, orders were given for it by Dr. Mrugowsky, that is to say, they were ordered by him, or they were suggested by firms or by Ding. They were then officially approved by Dr. Mrugowsky. Dr. Ding could not start any series of experiments in Block 46 without first obtaining the approval or the order of Dr. Mrugowsky.

I believe in the beginning of 1944 he also became the Chief Hygienist of the SS. Genzken still wrote private letters to Dr. Ding. This exchange of letters was very cordial. Genzken complained about the conditions with regard to the authority in the main medical office in Berlin. And if I recall correctly, and I am not quite sure in this matter, Genzken, at one time, accepted a private invitation of Dr. Ding-Schuler to come to Buchenwald and to inspect his shop, as Dr. Ding expressed himself. He was referring to Block 46 and 50.

If this visit were suggested by Genzken and it took place, and not by order of the Reichphysician Dr. Grawitz; then it must have taken place toward the end of 1944.

Q. Can you state that Genzken was informed of what was going on in Block 46 in the Buchenwald Concentration Camp prior to August, 1943?

A. That is a conclusion which results in the actual fact. Until approximately April or June, 1943, Genzken was the official chief of Dr. Ding-Schuler. He gave his approval for the establishment of the Department for Typhus and Virus Research of the Hygiene Institute of the Waffen-SS at Buchenwald.

Q. And I think you testified that Schuler remained in contact with Genzken after the summer of 1943?

A. Yes. The correspondence lasted until the end of 1944 or the beginning of 1945.

Q. So that Genzken continued to be informed of experiments in Block 46?

A In this correspondence, between Dr. Ding-Schuler and Genzken experiments were almost never mentioned at all. Dr. Ding-Schuler told Genzken about his plans to become a lecturer at some university, and in that connection there were always phrases like, "My typhus experiments have shown this and that." There were never any exact statistics. There were always things that were mentioned. These were not reports. However, Genzken knew that Dr. Ding-Schuler was now Chief of the Department for Typhus and Virus Research and had been where the vaccine was produced

Q Now, Mr. Kogon, we have mentioned the name of the Defendant Hoven from time to time during the course of this examination. However I wish you would now outline to the Tribunal a more complete picture of Hoven's position in the camp. Tell us exactly what he did and whether or not he was connected in any way with what might be called the Euthanasia program in the Camp. In other words, tell us what you know about the Defendant Hoven.

A It is very difficult to describe it in short. I shall do that in a very few sentences providing that I may make certain corrections which do not concern the matters on hand, but which might make Dr. Hoven appear in a certain light.

Approximately from 1941 on, Dr. Hoven was the Camp Physician at Buchenwald Concentration Camp. There was also a local physician there of the Waffen-SS. Occasionally the two functions were coordinated. The local physician of the Waffen-SS and the Camp Physician, for a certain period of time, as far as I know, worked together. Dr. Hoven was also the local physician of the Waffen-SS. From the very beginning when he arrived at the camp, he did not show any particular interest in the medical matters at the camp, perhaps because he did not feel himself certain in the field. He stated that quite publicly. I discovered later he had made his medical examination at a very late time and under quite peculiar circumstances which did not call for a very deep knowledge of medical matters. For example, if I am informed correctly, or if I am completely informed on this point, he has never



personally performed any operations. Dr. Hoven was a man who wanted to lead as good and as comfortable a life as possible. When he came into the prisoners' hospital, he found the prevailing conditions there. We clearly showed to him that a certain category of prisoners, namely the political prisoners, the prisoners with the red triangle, were giving all the orders practically. These political prisoners administered the whole dispensary internally. The SS-Physician was not able to take care of all the details and have control of all those things. As a result of this, Dr. Hoven did not even make the attempt at the very beginning to do anything about it. He just appointed certain political prisoners and said everything was to be made available to them. That included food, clothing, pictures, paintings, etc.

Furthermore, Dr. Hoven, without any doubt, had some sympathy for these political prisoners who very quickly realized that in him they had found a useful tool to obtain more power against the SS in running the camp. Within a very brief period of time, Dr. Hoven, without of course being able to see all the reasons for what was going on, found himself caught in a net of intrigue and he became the tool of this category of prisoners.

As a result of this, Dr. Hoven, until the time of his arrest and even afterwards, was one of the most popular people with that category of prisoners. He was one of the most popular SS physicians. He let the prisoners have their own way most of the time.

And when members of the illegal camp administration on the part of the prisoners told them that he was to have this traitor, who was considered a traitor by this category of prisoners, then he had it done as if a similar order or suggestion had been given to him on the part of the SS in this capacity as camp physician.

MR. McLANEY: I think we missed a word or two in the translation. I would like to clear that up. Did you testify that the illegal inmate government, the political prisoners, on occasion used the Defendant Hoven to execute the so-called traitors to the inmate government?

THE WITNESS: Yes.

MR. McHANEY: I do not think this was clear in the translation  
that came over.

Does the Court wish to adjourn at this time?

THE PRESIDENT: The Tribunal will now recess until one-thirty.

(A recess was taken until 1330 hours.)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 7 January 1947)

EUGEN MOGON - Recused

DIRECT EXAMINATION (Continued)

BY MR. MOHAMED:

Q Mr. Mogon, before the recess, you were relating to the Tribunal certain facts, which you know about the defendant Mogon. I wish you to continue with your story and state again Mogon's relationship to the so-called illegal inmate government in Buchenwald. I suggest that you perhaps explain a little more fully what the illegal inmate government was, since that subject has been referred to once before by another witness before this Tribunal.

A The SS in the concentration camps imposed a certain amount of self administration on the prisoners. It was not in a position itself to administer everything in the camp and to keep it running reliably.

The real leaders of the camp from the SS side were always comparatively few people in Buchenwald; for example about one hundred and twenty five people. In many cases, however, there were 7,000 to 30,000 prisoners. This internal self administration of prisoners kept normal life, that is order within the blocks; the management of the labor detail, food supplies, distribution of food, laundry, the maintenance of certain discipline for the roll call and similar things. This was the task of the self administration. Their agents were the senior block inmates for the living blocks, the cages, the foremen for the labor details and senior camp inmates or ten or three senior camp inmates. The so-called IA-1 senior camp inmate was responsible to the SS for internal conditions within the camp. In many cases there was the so-called "Kontrollleur" in addition to him, who had a sort of internal police authority.

In the early period of the camps, the SS appointed prisoners who seemed suitable for these functions. Very frequently the SS liked to work with professional criminals, the so-called "green" prisoners, because

7 Jan 4 - QCS-12-1-Meehan  
Court No. 1

they wore "green" triangles on their left breast and right arm bands.

The professional



criminals were generally bitter enemies of the political prisoners, who wore red triangles on their breast and were called the "red" ones. In almost all camps there were violent conflicts between the "reds" and the "greens". This fighting was carried out as was possible in the camp conditions. There was no law for us, it was a jungle of conflicting interests in a limited area. They were carried out with murder.

The "greens", as well as the "reds", in all the concentration camps tried to get control of the internal camp administration, the so-called self administration of the prisoners. The SS did not stop this fighting since it suited their principle, "Devour and Be Devoured."

In Buchenwald, after four years, from 1937 to 1941, it was possible to force the "greens" back completely and to make them a sort of pariah class in the camp. These four years of conflict was not by numerous murders on both sides. If one of the two classes, the "greens" or the "reds", were able to win over an SS doctor for this fighting, this was one of the most valuable means of asserting themselves.

The "greens" ruled only on the, the "reds" ruled only Sachsenhausen, Dachau and Buchenwald; and Buchenwald primarily during those four years. The "greens" repeatedly, with the aid of SS officers, were able to gain control temporarily. The consequence every time was ten to dozens, and in two cases over one hundred, so-called prominent political prisoners were killed by the SS and denunciation of the "greens."

The internal administration of the prisoners was expanded more and more by the SS, through corruption and later through the agents at the front, was impeded in the execution of their duties in concentration camps. Every opportunity to put more power directly or indirectly in the hands of the prisoners was taken advantage of.

The leading class in the prisoners' self administration was, if the "reds" were in control, always the communist party would have strict discipline in its own blocks within the camp and it governed internal conditions according to its own views and its own decisions. The hands of this machine

Almost always were determined exclusively by the Communist party. Only in the last years — in the last two years — was there a certain internationalization of this so-called illegal camp administration.

The illegal camp administration, which generally consisted of an inner circle of at the most a dozen men who kept contact with all forces in the camp and had a very intensive extended intelligence service, permeated the ranks of the SS, as well as the ranks of the prisoners. There was no important event in the camp, no matter of what sort, which the illegal camp administration did not within a very short time — generally within a few weeks — learn about from so-called command runners.

The two main centers within the camp self administration, which the illegal camp administration used, was the prisoners' office and the hospital; the office, because there all information about the prisoners was collected and was passed on to the SS from there. For example, if someone new came to the concentration camp, they he came from the political section after a few steps to the office. A detailed questionnaire had to be filled out there and these questionnaires were sent on to the SS, but the men of the illegal camp administration received detailed knowledge from the office, which they immediately checked with what the command runners had reported from the interrogation of the new arrivals from the political section.

The prisoners hospital was more the executive center of the illegal camp administration, and the means were available to dispose of undesirable persons in the camp. The hospital in all concentration camps is one of the,—was one of the most feared installations. Most of the prisoners did not dare even to approach it. The reason was a double one, on the one hand most people in the prisoners' hospitals were killed by the SS, or the so-called selections took place there for gassing, for death transports, for executions of all kinds, and the second reason many people knew that the internal conflict in the camp was carried out through the prisoners' Hospital. Dr. Hoven worked with the political prisoners, with the illegal camp administration, and to make it even more precise with those of the illegal camp administration in Buchenwald. The agents who were sent by the illegal camp administration to the prisoners' hospital, almost all of whom belonged to the Communist Party, if these men made a suggestion to Dr. Hoven, whatever it concerned, after a short time after Dr. Hoven had begun his activity, they could count on these wishes being carried out. Furthermore, if certain political prisoners, who were in danger of their lives, were to be saved by removing them from the political section then Dr. Hoven was always willing at the mere suggestion to give his signature for such an act. In this connection, I must emphasize once more that Dr. Hoven had a triple function in the Buchenwald Camp. He was camp physician, and as such was subordinate to the so-called directing physician of concentration camps in the S.S.W.V.H.A. in Berlin, Dr. Lolling; second, Dr. Hoven, from time to time represented Dr. Lolling in his function as directing physician of concentration camps. That was only for a brief period; and in the third place Dr. Hoven was deputy of Dr. Dr. Schuler, to supervise the criminal station in Block 46. In this triple function,—generally, it was only a double function the first and the third, Dr. Hoven had toward the SS camp administration, Dr. Hoven was more or less independent of the SS camp administration. He cooperated with the camp administration, which consisted in part of personal friends of his, but generally he was largely independent. So if the suggestion was made to Dr. Hoven that someone should be declared unsuitable for transport he sent such a notice to the political section of the S.S. and the person in

question was withdrawn from a transport for a certain period of time. In my own case, which is only one of numerous cases, in March or April—in April 1943, I was to be sent to Lueckwitz to be gassed. Some of my friends, who were in very close contact with the illegal camp administration, immediately went to it, two men in the prisoners' hospital who belonged to the illegal camp administration and who knew me well, suggested to Dr. Hoven, who did not know me at all at that time, that I was an acute T.B. case. Dr. Hoven gave his signature, and it was reported to the political section that I was not able to be transported. This was done three times because the postponement by the political section was for three or four weeks only in such case, until finally I came to the vaccine station and my liquidation was postponed to the end of the war by the R.G.N.A. In such cases Dr. Hoven was a tool of the illegal camp administration. One of the most striking cases, which was systematic for conditions there, was in 1942 when the second camp leader Flauel suddenly took steps against the political prisoners in the camp, replaced them in the prisoners' self-administration by official criminals, and then later became a violent struggle against the reds. The political prisoners approached Dr. Hoven, and in the course of a few months in which a few dozen prominent political prisoners were killed by the greens, it was possible to overthrow the rule of the greens by intrigues; and Dr. Hoven aided in breaking the rule of the greens by a counter terror. From that time on there was never a rule of the greens in the internal administration of the Camp Dachsenwald again. Dr. Hoven in his function as camp physician, of course, also carried out suggestions and instructions of the SS. The prisoners always tried, as far as possible, to save people from these death actions which were ordered. It happened that people who were disliked in the camp were included in the ranks of the death candidates. As conditions were Dr. Hoven could not know anything about these things. The euthanasia program, which I mentioned before, which was called LF 13, as far as I can recall was in 1943, not 1942, but I am not quite certain, —in the summer. Four transports of about 20 people each were set up, which



7 Jns-13-2-4-ATD-Elroy (189)  
Court No. 1

As we learned very quickly were sent to an institution at or near Bernburg  
to be gassed, and in the first transport there were a large number of  
prominent

political prisoners, of which I shall mention only one, a good friend of mine, the security director of Salzburg, Dr. Bichiny. The people were gassed at Bernburg. Their property, including their false teeth and the pieces of bread which they had in their pockets, after six or eight hours came back in the trucks that the people had been taken away in, came back to Buchenwald. The program 14 F 13 was carried out through the prisoners' hospital. I myself never had a function in the prisoners' hospital. My knowledge comes from my close contact with members of the illegal camp administration and with friends of such members. Other death programs took place in the camp on occasion outside of the experimental station in which the camp physician had some function or another either of selection or of execution, I personally do not know, to what extent Dr. Hoven was involved in each of these individual cases. I must point out that the camp physician always had two or three assistant doctors of the S.S., and it happened repeatedly that these assistant doctors were either strong S.S. men or independently of the responsible camp physician, were also tools of the illegal camp administration. This, as far as responsibility is concerned, the programs were a little confused, and a former prisoner from the prisoners' hospital who experienced these things himself would have to testify about them. The best would be a man who had a similar position to mine, a prisoners' clerk, doctors' clerk, because through the hands of these clerks went all the records.

Court No. 1

Q. Now, on the invalid transports which you have mentioned in connection with Action 14 F 13, can you state with certainty that Hoven knew about these transports?

A. Yes, I know that for the following reason: Suddenly I believe with the third transports a very large number of prominent political prisoners were to be incorporated in these transports. The SS made out the list and turned it over to the prisoners office so that the persons concerned could be informed the evening before that on the next morning at 8:00 o'clock after the roll call they were to be at the camp gate.

Our intelligence service always gave us the opportunity to know the special significance of such announcements. When the list of this transport was known by the illegal camp administration an appeal was made at once to Dr. Hoven, and I know that it was thanks to the intervention of Dr. Hoven with the SS camp administration that this group of political prisoners were taken off the transport list.

I also know from the clerks of the prisoners hospital that Dr. Hoven had something to do with Action 14 F 13. At a much later time, in the first days after the liberation of the Concentration Camp Buchenwald about on the 16th of April 1945, I was given carbon copies of an exchange of letters which Dr. Hoven had had with the chief physician of the so-called mental institution in Bernburg, a certain Dr. Eberl. This correspondence shows clearly that Dr. Hoven was connected with this action. In what function and to what extent this activity went, I cannot say.

Q. Now, you have mentioned an instance when Hoven was instrumental in removing some Reds from one of these invalid transports. Do you know of any occasion when Hoven saw to it that some Greens or perhaps some other inmates were included in these transports?

A. I do not know of any individual case, but I do know the fact; it was a regular phenomenon in the camp that people who were undesirable to the illegal camp administration for any reason, but who, for any reason could not be killed

Court No. 1

within the camp, were put on such lists for death transports, so that the death of these people occurred outside of the camp of Buchenwald.

Now, while I have been saying this, I remembered one case, a political senior camp inmate I name Wolff, a former German national captain, according to the opinion of the illegal camp administration based on a number of indications had begun to work with the SS against the illegal camp administration. With the aid of Dr. Hoven this senior camp inmate I was sent to a camp at the Baltic sea.

I believe I can recall that Dr. Hoven even sent a letter to the camp physician there to inform this camp physician about Wolff's quality in the Buchenwald camp. After a few months we learned through transports prisoners that Wolff had died there.

Q. Can you state whether any non-German nationals were included in these invalid transports?

A. The sick transports without distinction included all nationalities. At the end, in the Buchenwald camp we had representatives of no less than thirty nations.

Q. Now, going back for a moment to Hoven's relationship to the so-called Reds, do you sit to that Hoven worked with the Reds because he had been corrupted by them; that is, given clothing, food and gifts of various kind?

A. It is very difficult to ascertain the motives of a human being afterwards and during an action. I can only judge from facts which I know and from statements which were made. I can only conclude that both motives, the political motive and the motive of corruption, were active in the case of Dr. Hoven. If Dr. Hoven expressed any desire, and he expressed many desires, then these wishes were always filled.

Q. Did he ask for any gifts for his girlfriend perhaps?

A. That too happened. Artists were given orders, assignments, to work for Dr. Hoven. Sometimes they were people whom Dr. Hoven had saved from death transports who tried to foresee all the wishes that Dr. Hoven had. In other



Court No. 1

words, he himself expressed such wishes constantly and all possible advantages were given him by such people whom he had saved.

Q. Do you know whether Dr. Hoven personally killed any of those so-called traitors to the Reds?

A. I cannot testify precisely in which cases Dr. Hoven directly, personally, killed such spies. I heard reportedly from the political prisoners working in the prisoners hospital who were my friends, that Dr. Hoven himself killed people.

Q. Did you hear in what manner this was done?

A. In most cases by injections of chemicals which were either poison or were given in quantities of enough to induce death; for example, evipann - trium phenol, but it also happened that air was injected into the heart so that air embolisms occurred.

Q. Can you give the Tribunal any accurate estimate of the number of people killed by Hoven in Buchenwald?

A. That is not easy to say. I must make a distinction. It happened that a whole ward was disposed of in order to make room, or in the course of a TB program, whole rows of prisoners were killed. I do not say that this happened during Dr. Hoven's period or is his responsibility in every case, but during his period too, such killings occurred repeatedly. A medical assist. at named Wilhelm, a Stupfense richner, could have carried them out too, or the SS camp leader Gust, a violent anti-Semite, took from the remaining Jews who were still in Buchenwald, took five or six who he had noticed on some occasion or other because they were working as bricklayers. He sent them to the prisoners hospital and had them killed there. I know that such things happened repeatedly, also, during the period when Dr. Hoven was camp physician. As for spies, that is, real or suspected traitors, during Dr. Hoven's period I would estimate that up to a hundred persons were killed.

Q. Do you know of any cases of killings in which Hoven was implicated which were unconnected with the struggle between the Reds and the Greens?

A. At the moment I can remember a single case which, however, was not quite independent of the internal conditions in the camp. It concerned Polish citizens. In 1943 a few Poles in the camp were suspected of having prepared some action against the SS. The Poles who were considered the leaders of this plot were taken to Block 46, were isolated there. I and a few of my comrades, since I had already be working for Dr. Ding a few weeks, tried to help these comrades. Two of them who were Polish doctors, I knew very well. We tried to save them. It was a matter of hours and then two doctors, Dr. Hoven and Dr. Ding, were not there but were expected back at the camp. No one could get to them except me. When the two doctors came to the Pathology Section, I approached them. I believe Dr. Hoven saw me personally for the first time in the camp. Dr. Ding had already known me for a few weeks and I spoke to Sturmbannfuhrer Dr. Ding and Hauptsturmfuhrer Dr. Hoven and asked them not to kill these men. Both of them asked me why I made this suggestion. I said, "These men are Polish patriots and there is no reason to kill them." I was told, "They are Polish Nationalists, Polish Chauvinists." I said, "I know the two doctors." One of them was Dr. Chiepielowski whom I have already mentioned. I said, "I know the two doctors. They are good Polish patriots." The answer was that "it doesn't make any difference." I said, "Sturmbannfuhrer and Hauptsturmfuhrer, that is exactly the limit which is important." They laughed. They said, "We will see what can be done."

The interview lasted perhaps five minutes. The two doctors left the Pathology Section and went to the prisoner's hospital. The Polish were taken there from Block 46 for a last interrogation in the presence of three prisoners of the prisoner's hospital. Dr. Chiepielowski who spoke German better — he had taken lessons from me before — was able to answer more or less and was spared. The others were killed by injections. Who actually killed the other three persons, whether it was Dr. Ding or Dr. Hoven, I did not see myself. It was said in the camp that each of the two doctors had killed one of the prisoners, one or two, but I cannot say myself.

Q. And, of course, it is true, is it not, that Hoven was connected

with the deaths which took place in Block 46, which, of course, was not connected with the struggle between the Reds and the Greens in the camp?

A. Yes and no. Insofar as Dr. Hoven was Dr. Ding's deputy and is said to have carried out actions in Block 46 within the series of experiments, no. Insofar as certain political or other prisoners were more or less smuggled to Block 46 through camp intrigues to be killed there and if such actions then were carried out by Dr. Hoven, yes. I know of one case of the latter type. There were two prisoners named May and Friedemann. Standortsfuehrer Koch from Buchenwald had Syphilis. He would not let himself be treated by the SS doctors, but prisoners from the prisoners' hospital treated him. They were not doctors themselves and acquired their medical knowledge only in the prisoners' hospital. One of them was an iron worker before. They treated him so that he was satisfied. Later through the investigations of Dr. Langan this was about to become known. The two men who were very prominent members of the illegal camp administration were sent to the outside command at Gossler and had then shot while trying to escape there. Of course, they did not try to escape. Two people, this May and Friedemann, whom I mentioned, were witnesses of this happening; they were sent to Buchenwald. When Standortsfuehrer Koch learned about it, they were sent to Block 46. They were incorporated in an experiment. They survived the typhus. They were released as healthy. They came directly to the prisoners' hospital from Block 46 and were killed there on the next day; that is, they were removed as witnesses.

Q Now, witness, I think my original question to which you have given a response was not very good. It was compound. Your answer was, "Yes and no." I take it that you mean to say that the activities of Block 46 were at times connected with the struggle between the Reds and the Greens? Is that right?

A Yes.

Q You do not mean to say that Hoven was not the assistant to Ding in the operation of Block 46? He was, in fact, his assistant, was he not?

A His deputy.

Q And Hoven supervised the operations of Block 46 during the times when Ding was absent?

A Yes, if he felt his duty. Hoven was often at Block 46.

Q Now for a last question: you mentioned the TB, the tuberculosis action, a few minutes ago. I wonder if you could explain to the Tribunal what that action was and when it took place.

A Repeatedly, I believe, from 1941 on, TB patients were killed by injections. I know that I myself who was considered an acute TB case for sometime, although I was not sick at all, was repeatedly warned in the prisoners' hospital to watch out; that I should not be included in such an extermination action, and, therefore, during the period in question I stayed away from the TB station. The TB station was at the same time an asylum for those political prisoners who wanted to hide, only they had to be careful, on the other hand, against being included in such an extermination action. They could hide there because the TB had an enormous fear of contagion, and none of them entered the TB station, sometimes not even the TB doctors.

Q Were these tuberculosis patients killed right at the camp or were they included in the invalid transport and shipped elsewhere for extermination?

A In the camp itself.

Q Were non-German nationals included among those inmates killed?

A There was no distinction.

MR. KAHN: I have no further questions at this time, your Honor.



CROSS EXAMINATION

BY DR. NELTE:

DR. NELTE: (For the defendant Handloser). Permit me to begin the cross examination, Mr. President.

Q. Witness, if I understood you correctly, yesterday you said that in April 1943 you were in the office of Block 50 under Doctor Ding?

A. In the so-called business office, in the business room.

Q. From your own knowledge -- your own knowledge dates from April 1943; then, to what is this knowledge supposed to refer? The knowledge of the events which you have stated here?

A. Well, as far as Block 46 is concerned, my knowledge originates about April 1943. It is from the information of my friends in the camp.

Q. That is what I wanted to find out. Your own knowledge or your information, I should like to distinguish --

A. (Interposing) Just a moment! May I add something to this? The knowledge of those incidents which took place outside of Block 46, of course, always occurred directly in the camp.

Q. I am interested in my question -- of the knowledge of events in Block 46.

THE PRESIDENT: It appears there is some difficulty in the defendants hearing the translations. The cross examination will be suspended for a moment to give them an opportunity to remedy the situation. The Tribunal will be in recess until the difficulty is remedied.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

Q. Witness, in the diary of the Section 4 Typhus and Virus Research which you know of, and on the 2nd of January 1942, there is an entry, "Investigation of Typhus Vaccines, Concentration Camp Buchenwald Selected". Was this determination still in effect at the period when you were in Buchenwald?

A. As far as experiments were carried out at Buchenwald, that is correct. If, in excess of this, from the Hygienic Institute of the Waffen SS at Berlin and from the medical office of the Waffen SS or from other organizations of the SS, experiments were carried out, this came to my knowledge.

Q. I should like to know about typhus vaccine research, and as far as that goes it was the same during your period as in the beginning of 1942?

A. Yes.

Q. Is it true; is it correct if I say that the Section 4 Typhus and Virus Research in Buchenwald received from the firms and other places, institutes, vaccine which was still being developed, that is, still required investigation?

A. The description "Department for Typhus and Virus Research" was an internal SS description. The agencies which wanted to have their vaccines tested, no matter if they were being developed or if they had already been perfected, never turned to the Department of Typhus and Virus Research at Buchenwald. The directive for the execution of experiments always came from the Hygienic Institute of the Waffen SS at Berlin, in particular from Oberfuehrer Mrugowsky.

Q But it is probably correct that where a typhus vaccine was completely developed and had been used for years with success, there was no need to use Ducheswald either directly or through Berlin?

A Such vaccines were only used for control purposes and were only furnished for that purpose, for example the Heigelsche vaccines of Gracov.

Q That is what I wanted to find out. As far as the Heigel typhus vaccine from the Typhus and Virus Research Institute of the GHI in Gracov is concerned, this was a vaccine which was not sent to be tested but which Dr. Ding ordered from Gracov.

A Either Dr. Ding ordered it from Gracov directly or Dr. Ding did through the Hygienic Institute of the Kaiser II at Berlin.

Q Now if there is a connection between the section in Ducheswald and the GHI Institute in Gracov, then it is true of Dr. Ding as far as typhus vaccine is concerned, may I not assume that this connection was instigated by Ducheswald or Berlin. In other words, that the interest was only on the side of Ducheswald, the Hygienic Institute of the Kaiser II?

A I have no knowledge of any fact which might prove the contrary.

Q Now this morning you testified that to test the effect in preventive vaccination, lice were ordered from Gracov, and you expressed the assumption or you said positively, I don't remember exactly - that this is a shipment from Yer's institute, is that correct?

A It is a shipment of the GHI from the Institute at Gracov. Experimental series in Ducheswald did not only take place in order to test the effectiveness of typhus vaccine, but also to test the effectiveness of infectious material. I have already pointed out on several instances that this infectious material came from the Robert Koch Institute at Berlin and also from other places, and that this infectious material hardly had any effect on the experimental subjects. In the case of lice infecting experiments in Block 46, an attempt was made to find out if through direct infection by infected lice from Gracov an infection could be caused at Ducheswald. Infectious material from the Robert Koch Institute at Berlin had proven itself ineffective because the cultures apparently had lost their

virulence.

Q Did you yourself experience this?

A No.

Q Then how do you know that this was a shipment of infected lice from Gracov?

A I know that from two different sources. The first source consisted of my political friends in the prisoner's hospital who were there at the time the experiments were carried out and who on their own part had the closest contact with the Cape Arthur Westech. The second source was the discussions with Sturmbannfuhrer Dr. Ding during the time when I was with him. As I have already previously mentioned he had a number of so-called scientific works which he was referring and which repeatedly dealt with the effect of the infection. The question of the mode of the infection has been very thoroughly discussed in the presence of specialists from Block 50. Then although the experiment with infected lice was discussed, I was told by Dr. Ding that these lice had been sent from Gracov. As far as the first source is concerned I have also discovered that the lice were burned immediately after the conclusion of the first experiment. That was in two cases because there were two shipments.

Q But you say is also in Ding's diary, only from your testimony this warning one might have come to the conclusion that you had experienced that yourself, that you had your own knowledge. The diary says: Before the experiment the testing of the effect by means of the lice, that from the Typhus Research Institute Von Leubner at Leuberg, lice and typhus vaccine was sent, and following that testing of direct infection with typhus infected lice would be undertaken. Since Gracov and Leuberg are now or have been and since there are institutions in both cities, I want to know whether there might not be a mistake, which was that these lice could have come from Leuberg. Can you with certainty maintain what you have said or do you think it is possible as it seems to be indicated in the diary that it came from the Leubring works?

A I know from a certain lecturer, Dr. Haas, who was corresponding



with Dr. Ding later on, I believe in the year 1943, was ordered to report to the Institute at Lemberg, and according to my knowledge, Sturmbannführer Dr. Ding only from that period of time on had some more intensive correspondence with Lemberg. I have never heard anything about it, that the infected lice had come from Lemberg, and to the contrary I have only heard that they had been obtained from Greece.

MR. SCHMIDT: If it please the Tribunal, I would like to ask that in the future when a portion of the diary is being put to the witness in an effort to undertake or to shake his memory, that the excerpt from the diary be read aloud and not paraphrased in the language of the attorney. Also it would be helpful to the Prosecution if we are given the date of the entry so that we can also follow the cross examination.

THE PRESIDENT: The objection by counsel of the Prosecution is well taken. Whenever the diary is quoted from hereafter counsel will please read the entry in the diary and give particular reference to the date, and counsel should refer in reading from the diary to the page of the record in which the matter is contained. It would facilitate counsel following it.

I further suggest that when reference is made to the diary that the witness be furnished with a copy of the German document so that he can refresh his recollection from the diary.

MR. HAMIL: Mr. President, shall I repeat everything or should that be for the future?

THE PRESIDENT: I think you can proceed from where you left off without repetition.

MR. HAMIL:

That I only want to establish that this testimony which you are giving the obtaining of the lice was not based on your own knowledge but on information from a third person.

Yes.

MR. HAMIL: I have no further questions to put to this witness.

7 Jan-4-DJG-18-3-Cook (ISD)  
Court No. 1

BY MR. CRITT:

Q Witness, you described to us this morning what you know about the

protest of Professor Rose at the third Military Medical Meeting. You also described to us that Dr. Ding was very much excited for days about this and called Dr. Rose such names that you do not want to repeat them here. You also said that you still cannot understand the contradiction to be seen in the protest of Professor Rose, the latter assignment which ostensibly came from him. Now, I should like to ask you a question, only one question, but before you answer this question I must let you know about a statement of Professor Rose without the knowledge of which you will not be in a position to answer the question properly. First the question. It is as follows:

Do you consider it possible in view of Dr. Ding's anger that he would follow a recommendation of Professor Rose to use the Copenhagen vaccine for human experiments in the Buchenwald Concentration Camp; that he changed this for a recommendation to use human for experiments in Buchenwald?

Before you answer I shall inform you of the following statement of Professor Rose, which I shall have to prove later; In the fall of 1943 Professor Rose had negotiations in Copenhagen to begin vaccine production there. On this occasion he learned of the new vaccine which was highly recommended to him by Ipsen. He passed on this recommendation and effected the use of the vaccine but since it was a completely different type of vaccine than had been heretofore used, the actual vaccine experts opposed it, but Professor Rose did not participate in this altercation. Then when the experts suggested the testing of this vaccine in human experiments, the word of Rose, however, came into connection with the vaccine because he recommended it. Now I shall repeat my question: In view of Dr. Ding's anger, do you consider it possible that he changed his recommendation of Professor Rose to use the Copenhagen vaccine against typhus to a recommendation to use this vaccine for human experiments in the concentration camp Buchenwald?

Q From the statements of Humboldt Professor W. Ding, such a problem has not become apparent at all. As far as the character of Dr. Ding-Schuler is concerned, I would consider it quite possible that he might have done something of this kind. The circumstances, however, were such that such a request to let the Ibsen vaccine at Buchenwald was not even taken to him personally. He received a directive from Berlin to carry out such a series of experiments.

A As a result of this, the problem could not appear objective as far as he was concerned. He only told us truthfully that the fact that Professor Rose had advocated that this vaccine be tested on human beings in the Buchenwald Concentration Camp about that time had been given in. In my opinion, therefore, the difference is in answering the question. According to my knowledge, Ding-Schuler, subjectively might have been able to do something of this kind; objectively, in my opinion he was not in the position to do so.

Q The order to let this vaccine in human experiments did not come from Professor Rose at all?

A Dr. Ding-Schuler brought the order from one of his numerous visits to Berlin. Now it originated, according to knowledge. This is another reason for the fact that I, myself, could not cope with the striking influence.

Q The last question, witness, this morning you said that the order came directly from the army?

A To Dr. Ding-Schuler. Ding-Schuler told me that he had been given the order by Dr. Ding-Schuler.

Q You personally cannot say objectively Professor Rose called Professor Ding-Schuler to start this series of experiments?

A Beside the statement of Dr. Ding-Schuler, no.

Q. WITNESS: Thank you. I have no further questions.

Q. COUNSEL: Attorney Fleming for the Defendant Dr. Ding-Schuler.

Q Witness, you said that in April, 1943, you came to Dr. Ding as clerk?

A That is correct.



Q You also said that at the end of 1942 or the beginning of 1943, Dr. Ding made a suggestion to produce typhus vaccine. Is that correct?

A Yes.

Q I must point out to you that Dr. Ding, as early as the end of 1941, was at the Robert Koch Institute. He was ordered there in order to study Hirschfelder's method for the production of typhus vaccine. Do you know about that?

A Yes.

Q Now, if at the end of 1942, or at the beginning of 1943, he was ordered to Hirschfelder for this purpose, then the decision to produce typhus vaccine must have been made long before the end of 1942 or the beginning of 1943.

Q I also saw evidence in the assignment of Dr. Hirschfelder to start a typhus vaccine, and in a decision to start typhus vaccine and to produce it particularly in the concentration camp at Buchenwald. Dr. Hirschfelder did not only have to report to Hirschfelder at Berlin, but on two occasions, he was assigned to the Robert Institute at Paris. That was once in the year 1942. The second time was also before the establishment of Block 60 at Buchenwald.

Q You, yourself, came to Dr. Ding only in April, 1943?

A Yes.

Q Now do you know about events before that time?

A I know that from statements of Dr. Hirschfelder himself, and also from diary notes which he personally made for himself. Now I point out to you, Dr. Hirschfelder, during the last half year before our liberation, requested that I write a history of his person for his family.

In order to do this he gave me all documents which he had. I also saw from these documents I was ordered to write that. Now, however, I am able to say all of the different things that had happened before that time.

Now these documents did not show that the order to report to the Robert Koch Institute and the Robert Institute in Paris had not been issued.

to learn the effect of typhus vaccine, but to study the production of typhus vaccine.

A It was shown by the documents.

Q Why did Dr. Ding explain to you at the end of 1942 and 1943, long before the time when according to your assumption, the decision to produce vaccine was made, the express purpose of studying the production of typhus vaccine?

A I believe that there is a different concept between the defense counsel and myself as to the word "production". There is a little different conception. By production I mean the direct immediate production; not the preparation for the production. Therefore, when I adopted the decision for the production, I meant and I still mean the decision to establish this department, with a sub-department for the production of vaccine. I did not refer to the preparatory study of Dr. Ding so he theoretically would become acquainted with the question of producing the vaccine.

Q You just said that Dr. Ding, when you were to write his life history, gave you his diary. The Prosecution, yesterday, showed you a diary. Is this the diary which you just mentioned, or was that another one.

A There is a striking difference between the two diaries. The diary which was presented to me yesterday is the one which Dr. Ding-Schuler started. That is the diary of Block 66 which was executed under his supervision. The diary to which I am now referring consisted of yearly calendars in which Dr. Ding almost daily made various sorts of entries for a period of years. These entries consisted of private and official matters.

Q When did you see the Official Diary of the Section for Typhus and Virus Research in Suchowaid for the first time?

A The diary which was presented to me yesterday, is the Diary of Block 66. I had seen that for the first time after I had moved to Block 50. And that, under no circumstances, is before the 15th of August, 1943.

Q What did the diary look like the first time you saw it? Were loose leaves fastened together in the folders? What did it look like?

A It had exactly the same form as today.

Q Could one see whether this diary was kept constantly or whether it was written all at once?

A I know the history of this diary from the statements of Dr. Ding-Schuler himself, and also from the statements of Capo Arthur Dietsch; as well as the physician's clerk in Block 46, a certain Gaderinski. I also know on the basis of the documents which were started from the very beginning of the establishment of that block and on the basis of the personal notes which Dr. Schuler made in his private diary. He dictated as far as I can recall the first half of 1942. He dictated the diary of Block 46 until that period of time and all at the same time. From that time on, the diary was filled regularly from experiment to experiment.

Q You say that Dr. Ding Schuler dictated the beginning of the diary about the middle of 1942?

A In the first half of that year.

Q In the first half of 1942. Thank you.

Then I must point out the following contradiction:

The Diary bears the heading "Diary of the division for research of spotted fever and virus at the Institute of Hygiene of the Waffen-SS."

Do you have that place in the diary?

A Yes,

Q Would you please look at the entry of 9 January 1943? There you will read "By order of the surgeon general of the Waffen-SS, SS-Gruppenfuhrer and Major General (Generalleutnant) of the Waffen-SS, Dr. Gausken, the hitherto existing spotted fever research station at the concentration camp Buchenwald becomes the Department for Spotted Fever and Virus Research." Is that correct.

A That is correct.

Q This shows up to that date the section had the title we just read. The title of the diary bears this name which is given more than a year later. You came to Buchenwald only in April, 1943?

A No. That is when I came to Dr. Ding.

Q To Dr. Ding, yes. And in August, 1943, according to what you said, you saw the diary for the first time. Your information is that it was written in the first half of 1942. You have that information from a third party?

A The last part of your three or four questions -- is right.

Q It is correct that you did get the information from the third party, and the other point was right too?

A I must make some more explicit statements in that point. The title, "Department for Typhus and Virus Research" was, as far as I knew suggested by Dr. Ding himself. It was not perhaps suggested to him by SS-Gruppen-Fuehrer Gensken. He had not been referred to adopt that name. The relationship of Gensken and Ding was not like that. The initiative in things of that kind came from Ding.

Long before the general establishment of this Department, Ding occupied himself with a plan of an institution which was not only to be an experimental station which was later a few clinical departments, but he wanted a large independent basis in order to reach first importance in the eyes of the Reich and the SS. I don't know, but I consider it possible in this connection that the plan for a Department for Virus and Typhus research was not only composed in half year before the actual establishment of the Department by Ding, but already in your previous, and it may even be longer.

There is another circumstance which entitles me to that concept. Dr. Ding was the Director Institute of the GDT. If Dr. Ding were to write the first half of 1942 statement that diary, then at that time, he was already was thinking of that title. However, I am even seeing the possibility that Dr. Ding in conversation with me after the establishment of the Department, but before my retirement in 1945, had seen the first page of the diary written.

Given a practice of it was then possible. The activities of Block 66 were not destined for external purposes or for Gensken, but for Block 66 itself. After all, it was not bear my true official description.



The diary if it had been destined for Berlin or any other SS authorities, it would have had to bear the title which all reports to Berlin had to bear. I therefore consider it possible that Dr. Ding, as I have already emphasized, may have had the first page re-written with a new title.

Q Witness, you were just speaking of the customary designation which all reports in these matters to Berlin had, but you didn't say what designation you meant. Will you please tell us that?

A I submitted many kinds of reports to Berlin and when they dealt with excerpts of a diary of an official nature for the Berlin Central Agency, even on the upper left side, I have to put the notice, "Secret Diary, (under S. and S.)" and I must also include the file words of the kind of document and a description of the person who was dictating, or the person who was writing.

Q Documents concerning typhus experiments in Buchenwald bear a secret or top secret stamp?

A It was always classified as "Secret".

Q Witness, you were just saying, when you sent excerpts from a diary of an official nature to Berlin, this designation was put on the letter or the excerpts. Up to now we have mentioned two letters. One is the private letter of Dr. Ding which was a number of columns —

A Not a number of columns, no, but in yearly columns.

Q The second is the letter which was shown to you yesterday, and which we have before you now. You just told us that this diary you gave before was of an official nature. Now, you please tell us what other designations were used for these? Was Black 50 and Black 60? Was kept these diaries?

A I have never seen this diary and we also know that it was not an official diary.

Q Let me interrupt you. You just told us that you consider it possible that the first page of this diary was rewritten and that that is quite possible. That is all right, even possible because it was not in

official diary. That can be seen because as an official diary it would have the notation "secret" and other indications--

A: There is a little misunderstanding here which can be clarified very easily. Let us first of all agree to the description of "Official". Dr. Ding was the department chief and the chief of Block 46. If he gave the order to keep a diary, and if he even dictated this diary himself, and this diary was an official diary as far as Block 46 was concerned -- it had no connection with superior agencies-- it was an internal official diary. It was not a private diary of Dr. Ding-Schuler. Whenever we had some correspondence with Berlin and the description, and secret diary number so and so, was placed at the upper left corner of the letter, then the reference referred, at all times, to the so-called postal diary.

A The mail, which arrived and which left, was segregated according to number; that was with a short summary of its contents like in any other plant. It was provided with a summary of its contents and this number of the postal diary or the secret diary was placed in the left upper corner and the word secret diary number showing. Now, if a diary of Block 46, which is under discussion here, had served as a document for Berlin in such a way that there might have been an official reference to it, then every time that some reference was made to it, I would have had to enter into the secret postal diary that this document would have gone into the diary in the form of a secret diary number.

Q The diary itself, even if it was only an internally official diary, was a record of the agency and it would have to have the notation "secret"?

A In Block 46 there was nothing that was not secret. If the diary at any period of time, or for any purpose, had been sent outside of Block 46 or Block 50, then naturally it would have had the classification of secret.

Q In Block 50, witness, the typhus vaccine was produced; is that right?

A Yes that is correct.

Q The correspondence about the production of the typhus vaccine is not entirely, at least to a large extent as the correspondence shows, was not secret; is that right?

A As far as fully technical organizational things were concerned, that is right. For example, the ordering of writing paper and other things from firms, in those cases the secret stamp was not applied. When reports about the amounts of vaccines or the production of vaccines or similar items were concerned, this correspondence was always classified as secret.

Q As a matter of course, in every section there are things which bear the stamp secret, but, witness, you just said that in Block 46 everything had been secret and in Block 50 not everything was secret. You told us yesterday that you from time to time got the diary from Block 46 in order to make entries from it for reports; is that right?

A Yes, that is correct.

Q The diary then came out of Block 46 from time to time, which had only secret matters and went to Block 50 which also had other records.

A Yes,

Q Did not the diary alone, in view of the fact that from time to time it went to Block 50, would it not have to have the notation secret?

A It would not have had to be secret, because it was only Dr. Ding-Schuler who could bring it personally from Block 46 to Block 50 and he was very, very careful. He only gave it to me for one hour or perhaps one and one half hours and then demanded it back again.

Q I believe that we can leave this point. You said before that the diary in Block 46 was kept by the clerk Gadowsinski?

A Gadowsinski.

Q Could you please spell the name?

A G-A-D-O-W-S-K-I-N-S-K-I.

Q Can you give me Gadowsinski's present address?

A I have asked for the present resident of Gadowsinski, who survived the camp and I have discovered that he has returned to Poland. His address can be obtained through the Polish Red Cross with U.N.R.R.A. in Karlsruhe. Roggenbachstrasse 5. He is corresponding with the Poles there.

Q The U.N.R.R.A. in Karlsruhe?

A Roggenbachstrasse with two g's.

The number?

A Five.

Q Thank you. Witness, previously in your examination you said that you recall reports about the experiments in Block 46, which generally went to Dr. Brugsch. Please tell the Tribunal where the reports went that did not go to Dr. Brugsch?

A In one case, or in two cases, part of direct correspondence in which secret reports took place between Dr. Ding and agencies, which was not identical with the office of Dr. Brugsch. On one occasion with the German Bacteriological Surgical Laboratory of the I. G. Farben works and in the other case with the Bahring Works at Harburg. Furthermore, as far as



I can recall, the first report about the activities of Sturabannfuhrer Vernet was not sent to Hrugowsky, but it was submitted directly to Oberfuhrer Poppendick.

Q Thank you. Yesterday, witness you said that aside from typhus, experiments were carried out in Buchenwald with yellow fever, small-pox, diphtheria, typhoid A and B, etc., etc. What kind of experiments were they; were they protective vaccinations?

A These experiments took place at a time before my activities with Dr. Ding-Schuler. I know some ideas and a number of details about the experiments through him and I heard of them in part from other prisoner comrades. Beside the matter with the potato salad, Phosphorus Kantchuk experiments, which I have mentioned, I cannot make any precise statements on the subject, however, in excess of this, I know only the entries in the diary - in the diary of Block 46, which you have just discussed. However I know that the yellow fever experiment series was discontinued because it was completely unsuccessful.

Q Then, I may conclude that everything that you testified about these experiments yesterday, with the exception of the potato salad experiments, you know only from hearsay, from third parties.

A I must state that I have never even been present in a single experiment, with the exception of the horticulture experiments, I was not in Block 46 as a spectator or as a participant. In this respect, I have always been connected with these things through Dr. Ding-Schuler or through a Drowant and I have obtained this knowledge, which however is very precise, through what I have heard from my comrades who were connected with these experiments.

Q Did your comrades tell you anything about whether the vaccinations against small pox, etc., so called tetra vaccines, were with capsules as were used with vaccinations of the troops?

A I can recall the expression, "Usual Capsules". I cannot say if it referred to the Pox inoculations.

Q You know of the extra vaccines?

A Yes, but I cannot say with certainty if it referred to that.

COURT I

Q. Witness, you also said yesterday that Dr. Ding from about the fall of 1943 on no longer wanted to have oral instruction from Mrugowsky for experiments; do you remember that? You also told us yesterday that Mrugowsky during the period in which you worked in Block 50 in Buchenwald, that Mrugowsky was in Buchenwald two or at the most three times?

A. I didn't say that. I have only stated that I personally wrote -- that I have seen Mrugowsky personally two times, and also perhaps even three times.

That you saw him two or three times; and the work report of the section for typhus or typhus research for 1943, which is in the document book on Page 13, on Page 4 of the work report on Page 16 of the document book, the visitors are listed. If you look at the next page, Page 5 of the work report, Page 17 of the document book, you will find about in the lower third the entry from the 4th of September, "Inspection in the Village of 'X' with the Head of the Hygiene Institute SS-Standartenfuhrer lecturer Dr. Mrugowsky, with the Standertarzt of the Waffen SS Weimer-Buchenwald and with the Standertarzt of the Waffen SS Weimer-Buchenwald and with the adjutant of the commandant of the Buchenwald Concentration Camp." Do you find this entry?

A. Yes.

Q. That is the only entry about the visit of Mrugowsky to Buchenwald then --

THE INTERPRETER: Just a minute.

MR. McHANEY: If Your Honor, please, I wish to point out that is not the only entry, in fact it is not the entry in regard to Mrugowsky's visit to Buchenwald. It occurred

COURT I

on the 3rd of September in the section preceeding what he was reading, Page 18 of the English document book, right at the top of the page.

Q. You will also find, Witness, on page 5, the heading "Official Trips" under Roman Numeral IV, "Official trips by head



of the Department for Spotted Fever and Virus Research," and you will find under this heading a single conference with Krugowsky in Berlin; on page 6, at the top, from the 29th of September to the 4th of October. Did Dr. Ding ever say anything to you about when and on what occasion he got the oral orders from Krugowsky for his experiments if he saw him so seldom, as the work report indicates?

A The report which is in front of me, and to which you have referred, deals with the year 1943 --

Q Yes.

A But that is not 1944 or 1945.

A No. 1943.

A Well, 1942, but only the year 1943. I have not read all of the whole report now, but the fact is that in accordance with the entry here Krugowsky visited Buchenwald on the 4th of September, and as I have already pointed out, he visited Buchenwald very rarely. I myself have only seen him two or three times, and I do not believe that he paid any more frequently. This may have happened as often as three or four times all year, however, it may have been six times, or even more. During the time before 1943 --

Q Let us stick to 1943.

A He has even lived in Berlin. I am referring to Dr. Ding. In this report from the 28th of September until the 4th of October there is one of the conferences which seemed important to Dr. Ding. The report is not made with the same thoroughness and preciseness as a business report which might have been written about an experiment in Block 46, or it might have been sent to Berlin. The Sturmbannfuhrer that you have, that is in this case me, and the second clerk who wrote up the second report from the hand of his private diary, he gave us the proper notes, and it was

COURT I

then summarized by the second clerk. It is significant that it has not been stated in the entry of concerted conferences, Dr. Ding had at Berlin with Dr. Mrugowsky at this time. From late fall 1943 Dr. Ding has not contended himself with all instructions for the experiments, instructions which he used to bring along from Berlin, but he also demanded written orders.

Q. We have got away from my question, Witness, I asked you whether it is true that Dr. Ding was in Berlin as seldom as the work report indicates; I may point out to you --

A. Dr. Ding?

Q. Dr. Ding in Berlin. I may point out to you that in this work report comparative discussions and trips of comparatively less importance are entered.

A. The trips which Dr. Ding took to Berlin, especially after he got oral instructions and for his experiments would have been extremely important.

Q. But I hear from you that you did not write this work report yourself?

A. I wrote it on the typewriter.

Q. Did you set it up?

A. I had help to compose it.

Q. Then will you please explain to the Court for what reason you did not include the trips of Dr. Ding to Berlin in the work report, while other much less important trips were included?

A. The defense counsel overestimates the working procedure of the SS. The results of this procedure, however, cannot be taken seriously enough. This report was written only for one purpose, on the part of Dr. Ding, to give as extensively as possible report of his activity to

COURT I

Dr. Krugowsky in Berlin. It is quite an extent of over-doing things, which has been shown in such reports. Secondly, if such important things as experiments on human beings had to be carried out, then this was in no way

accomplished in such a solid firm as the defense counsel seems to assume. At that period of time most of the SS leaders were quite unaware of the end of the War, and the fate that would await them, and there was relatively little speculating about that effect. Instructions were frequently issued rather freely and I have seen discussions about the subject, in a casual tone, so that my ears are still standing in and today when I think about it, how the fate of human beings was being discussed. Dr. Ding may have been in Berlin, and at his suggestion he carried on experimental series with his chief Krugowsky. Only from 1943 on he became afraid to a quite considerable extent under my influence, and from then on he demanded written documents.

Q Witness, you just tell us that during 1943 Dr. Ding began to worry about the outcome of the War, is that right?

A Yes. This work report, however, concerns the year 1943.

Q It goes up to the end of the year 1943, and therefore must have been set up in 1944, is that right?

A If it was not composed into two halves, then it was all composed in January 1944.

Q Would you please look at the first page of the work report, the date?



COURT I

A. Yes, it is stated here, "Weimar-Buchenwald, January, 1944."

Q. Yes, that's what I mean. You tell us that in 1943 already Dr. Ding was afraid about the outcome of the war?

A. Yes.

Q. In January 1944 he set up this work report?

A. Yes.

Q. Then he really should have put special value on it and you, who were his advisor, would have urged him that it was important to include the trips to Berlin in the work report so that you would be able to prove when and on what occasions he received his orders for the experiments?

A. I have not always advised Dr. Ding, not at all in all matters. I have taken every opportunity which offered itself to me to influence him. Secondly, Dr. Ding-Schuler was an extraordinarily light hearted person. Even during the last months, prior to the end of the war and before the visible collapse, he could get away with a whistle over all risky things from case to case. This did not prevent him to be most deeply depressed at other times. However, the trend not to think over the approaching catastrophe seriously always got the better of him. Therefore, from the beginning of 1944 Schuler became more and more aware not to do any superfluous things anymore, and always to be covered by written orders. That this might have had an effect on the report for 1943, that he had construed documents for trial later on, that is completely out of question. About the possibility that some day he might be placed in front of a court he became aware of the first time in August, 1944 in the course of a long discussion between him and myself.

COURT I

Q. Witness, in April 1943 you came to Block 50 as clerk?

A. That's right. Not in Block 50, no. In April 1943 I came as physician's clerk to Dr. Ding Schuler in the department for

pathology, because after all, he had not intended me for Block 46 and Block 50 had not been completed as yet. In Block 50 as a building I came on the 15th of August 1943.

Q Who was your predecessor in the position which you held from April 1943 on?

A There was no predecessor because the production of vaccines only began from that month on, and I was only his physician's clerk in Block 50, and that I would become a private secretary some weeks later was a matter for which no reasons actually existed in the camp.

Q Yesterday, Witness, when you were describing how you got the diary when the records were destroyed, you said that you took a bundle of records out of the sack together with the diary. Would you please tell the Tribunal what kind of records they were?

A May I first of all correct you slightly? If I remember correctly, I did not say that I had taken this diary with a bundle of records out of the sack, but that I took a bundle of records out of the bag and that I saw the diary lying there and that I also took it. These other records were in part, fever charts, and sickness charts and correspondence which I looked over later on.

Q What has happened to these records?

A I have turned all these records - just like the diary - I have kept them with me and part of them, and I have placed part of them at the disposal of the American authorities whenever they requested it. I still have another part in my possession in my apartment at Oberursel, and most of them, for example, the case histories which show the course of a disease with a patient or group of patients together with the original signature of the controlling SS physician in Block 46.

Q Witness, do you know the name, Grawitz?

A Yes. Grawitz was the Reich Physician of the SS.

Q What connection was there between Dr. Grawitz and Dr. Ding

A Dr. Grawitz was the supreme chief as Reich Physician SS. The medical officer of the Waffen SS, to which the Hygienic Institute of the Waffen SS belonged, was subordinated to him. Dr. Ding was departmental chief and until 1944 he was the chief department head in the medical office, and therefore was subordinated to the Reich Physician SS, Dr. Grawitz.

Q Were there personal relations between Dr. Grawitz and Dr. Ding?

A Dr. Ding told me on several occasions that he had also visited the Reich Physician SS in Berlin, and that he knew Dr. Grawitz and that under circumstances he might expect a certain amount of support from him, but however, this support was not so intensive as that which Gensken had given him, because Gensken was personally devoted to him. Furthermore, around this period of time; that is, from the middle of 1943 on, Mrugowsky occupied such an important position that it appeared dangerous for Ding-Schuler to go over the head of his immediate superior, Mrugowsky, and to have too much direct contact with Grawitz.

Q You say too much direct contact. Was there an exchange of correspondence between Dr. Grawitz and Dr. Ding?

A It is not quite easy for me to recall each and every one of these details, because almost every record which was sent to Mrugowsky bore the heading on the left top, "Reich Physician SS, the Chief Hygienist of the SS, Director of the Hygienic Institute of the Waffen SS, Professor Dr. Joachim Mrugowsky, SS Oberfuehrer." I almost wore out my fingers trying to constantly repeat this waterhead title. Therefore, I can not state exactly anymore how often Ding wrote to Grawitz personally. However, it has happened.

Q Did Ding get direct instructions from Dr. Grawitz?

A I do not know any case of that kind.

Q Do you know Grawitz personally or only by name?

A I only know him by name.



Q Was Grawitz never in Buchenwald?

A I have already emphasized that I do not know exactly if Gruppenfuehrer Genzken or Gruppenfuehrer Grawitz made that particular visit at Buchenwald in the year 1943.

Q Did Dr. Ding make any use of these experiments with typhus and other vaccines?

A May I ask in what respect?

Q That is, that the course and the results of these experiments were recorded?

A Yes.

Q Where were the results of these experiments recorded?

A In the diary or in special books.

Q Therefore, it is not a scientific use?

A No notation. The documentary record is in case histories, fever charts and documents covering experimental series, and in the diary of Block 46. Furthermore, in the reports which were submitted to Krugowsky at Berlin and to the other agencies which happened to be interested in them.

Q You just said, Witness, that the results were recorded in the diary of Block 46. You have this diary before you. Would you show me a place in which results of the experiments were recorded? I do not mean that so and so many died as indicated in the diary, but what the result of the experiment was in regard to testing the vaccine; that is, the result?

A Then we would have to reach an agreement about the concept of result because a corpse is also to me a sad result of an experiment. Therefore, it is the value which has been gained by the experiments and the evaluation which resulted for certain vaccines which had been applied after the experiment.

Q Yes.

A These evaluations can only be found from the overall records which were begun after every experimental series, and

7 Jan 47-1-22-5-min Truck  
Court No. 1

... large number of experimental series. In particular, on one occasion, a large Blackboard was built for evaluations and it was placed at the disposal of the hygienist, and no example of it went to Block 48.

Q In the diary these results were not recorded?

A No.

Q RECORDED: At this time the Tribunal will recess until 1:30 o'clock tomorrow morning when the oral examination will be resumed.

(The Tribunal will adjourn until 8 January 1947, at 0930 hours.)

Corrected Copy

Official transcript of the American  
Military Tribunal in the matter of  
the United States of America, against  
Darl Brandt, et al, defendants, sitting  
at Nurnberg, Germany, on 8 January 1947  
0930, Justice Beals, presiding.

THE MARSHAL: The Honorable Judges of Military Tribunal In.

1.

God save the United States of America and this Honorable  
Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, you ascertain if the defendants  
are all present in the courtroom.

THE MARSHAL: May it please your honors, the defendants are  
all present in the courtroom.

THE PRESIDENT: The Secretary-General will note for the  
record the presence of all the defendants in the court.

Counsel may proceed with the cross-examination.

DR. EUGEN WOGON (Resumed)

CROSS-EXAMINATION (Continued)

BY MR. FLEMING (Counsel for the defendant Krugowsky):

Q. Witness, yesterday you had told us that Krugowsky had  
been to Buchenwald twice or certainly no more than three times.  
Will you please tell this Tribunal how long these visits of  
Krugowsky had lasted in each individual case?

A. May I first of all come back to what I said yesterday  
and state again that I have not said that Krugowsky had been to  
Buchenwald two or three times but that I have seen him two or  
three times. These visits lasted from one to three hours in each  
individual case.

Q. What activities did Krugowsky carry out during that  
time? Did he inspect Block 50 or Block 40, or what?

A. On each one of these occasions when Krugowsky visited

Buchenwald, visits I experienced, Krugowsky was announced. He arrived at the commandant's office. From there he went to Block 50 into the room of Dr. Ding. He inspected on one or two occasions the entire flight of rooms in Block 50 and he stayed in the orderly room for a brief period. That is where I was working. On one occasion he dictated in Dr. Ding's room a letter which I had to take down and on another occasion he dictated a teletyped message. He had a brief consultation with Dr. Ding which I did not attend and then from the telephone in the library in Block 50 I had orders to get in touch with Block 46 and informed Block 46 that the visitors were on the way. Then the gentlemen went to Block 46 on such one individual occasion and after some time they returned, after at least half an hour from Block 46. On two occasions they returned to Block 50, and on one occasion they did not come back to Block 50, and on the occasions when they did come back to Block 50 breakfast was usually served to them in Dr. Ding's room, and after another brief conversation Krugowsky went to his motor car near Block 50 in order to depart.

Q. Did Krugowsky belong to any department of the concentration camps?

A. Not according to my knowledge, no.

Q. Did he have any sort of influence on the administration of concentration camps? Did you have any observation of that type?

A. He was a member of the department of the Reichs Physician SS, the chief Hygiene Department. This chief hygiene department was under the command, as far as I know, of the SS Chief Leadership Department and only in parts to the SS Chief Administrative Department in Berlin. The SS Chief Administrative Department was the central department of the entire administration of the SS. In this central department there was also Department which was administering concentration camps. Krugowsky did not



to my knowledge have any influence directly on the administration of concentration camps.

Q. Did you make any observations to the effect that he had any influence upon the selection of detainees?

A. As long as the experimental subjects were selected in the actual camp at Buchenwald Mrugowsky did certainly not have any such an influence, neither because of his jurisdiction nor in fact, later on, when the experimental subjects went through the Reich Criminal Police Department or SS Gruppenfuehrer Hebe respectively, from where they were to be placed at our disposal, the applications in question went from Dr. Ding, that is to say applications referring to the number of persons who were needed, went from Dr. Ding to Mrugowsky who in turn would pass them on and Dr. Ding would then be informed by him to the effect that the experimental persons would be available.

Court No. 1

Q. Witness, you have repeatedly to the Experimental Research Department Number 5. Where was that located?

A. Research Department Roman Numeral V was at Leipzig.

Q. What did the Research Department 5 have to do with the experiments at Buchenwald?

A. From this Research Department Roman Numeral V in Leipzig I only heard in connection with the two experiments, these phosphor knutbuch incendiary bombs, and also in connection, the experiments dealing with the transplantation of glands in Homosexual persons. A direct connection between that Experimental Department or Research Department 5 and Buchenwald did not actually exist. The channel of orders went through Copenhagen.

Q. Did you in connection with Department 5 ever hear the name "von Tenel"?

A. No, never.

Q. Do you know that this Research Department which you are always referring to as Department Roman Numeral V was not called Department Roman Numeral V, but that this "V" meant a large V for Victor and meant the name "von Tenel"?

A. No, I didn't know.

Q. On page 112 of your book, a. witness, you mention a Dr. Neumann from the Hygiene Institute.

A. Yes.

Q. How do you know that Dr. Neumann was a member of the Hygiene Department?

A. Dr. Neumann was in the Department, in the Pathological Department in the concentration camp at Buchenwald where he worked. The camp there, Gustav Vigora, told me that Dr. Neumann was a member of the Hygiene Department in Berlin.

Q. When was it that Neumann was working at the Pathological Institute?

A. According to my recollection before 1941.

Q. Before 1941. Thank you. Do you know Dr. Reichelt?

A. Yes, if you are referring to the Air Force Medical Officer, Dr. Reichelt

Court No. 1

that is:

Q. I mean that Dr. Reichelt who was Dr. Ding's Deputy in Block 50.

A. Yes. That is right.

Q. Do you know his present whereabouts?

A. He is living at Gaborndorf near Weimar.

Q. What is the name of the village?

A. Gaborndorf near Weimar.

Q. Thank you. What is your judgment of Dr. Ding's character, witness?

A. As I have already said yesterday, Dr. Ding was a gifted, very reckless man without any moral principles, without religious convictions, without any metaphysical beliefs. To my knowledge, for reasons of ambition and a rapid career Dr. Ding went into the SS. His medical background and knowledge was comparatively small, but he had a certain conception for a fruitful professional, a medical problematical endeavor for which he would promise himself advantages for his own purpose. He seemed to become a well-learned man of repute even at the medical public and particularly attached to a university. Apart from that, he tried to exploit every possibility in order to enlarge his own personal reputation.

During the period when Dr. Ding was Camp Physician at Buchenwald Dr. Ding did a few very horrible things. On the other hand, as Camp Physician, he improved the hygiene conditions in the camp for the first time somewhat. It was due to him that an operating theatre was installed. When he was in contact with prisoners, there was no difficulty of producing a very kind and pleasant attitude, but I am, on the other hand, perfectly sure that Dr. Ding would have sacrificed any man if his career would have been in jeopardy in any decisive point through that man. He was subject and accessible to certain persuasion and certain arguments. In Block 50 he felt somewhat at home because there were numerous scientists and university men there, and right from the word "go" he referred to Block 50 as some sort of scientific territory, the laboratory of science in the concentration camp, and as treatments, the inmates of Block 50

Court No. 1

with considerable kindness. For instance, something which is exorbitant for a concentration camp, he impressed us as a gentleman. Upon my suggestion he did almost everything which he could consider as reasonable; he did everything reasonable for us, but he was afraid of accepting any very serious responsibility for his actions. At the same time he maintained the closest possible contact with the capo of Block 46, who was an enemy of almost all of us, and from conversations with me, sometimes dealing with extremely deep subjects, he was capable of going straight to Capo Arthur Dietsch in Block 46 to talk to him in a manner which is only customary amongst criminals.

Dr. Ding loved his family, loved his wife and loved his two children. He looked after them in the best possible manner, but he also had different relations, and, in my opinion, he would have been perfectly capable of leaving that family behind had the possibility arisen for him personally to begin a new existence after the end of the war abroad. Dr. Ding had a character which was full of contradictions.

Q. Witness, what was your and the other prisoners' attitude in Block 50 regarding the production of vaccine?

A. May I request the Defense Council to be more precise with reference to the word "attitude"?

Q. Did you consider the production of vaccine something which was necessary in the interest of concentration camps and in the interests of the population and the troops as well as the Reich; that is to say, did you and the prisoners in Block 50 do everything in order to advance this production of vaccine, or did you not?

A. We in Block 50 were given orders. We were told before this Block was opened up that we were concerned with the production of typhus vaccine for the fighting troops of the Waffen-SS at the front. We were perfectly well right from the beginning that we were faced with a very awkward task. Dr. Ding told us during the first general meeting, "Gentlemen, a something crooked is happening here, if there is any kind of sabotage or anything like



Court No. 1

then you must be aware that before anything happens to us personally, you all will be put against the wall."

The first stage of the vaccine production was purely experimental. We had a method which was more or less stolen from the Pasteur Institute at Paris, and we had to try that method in Block 50 for its effectiveness. These experiments on animals lasted for about four months. We were continuously under pressure from Dr. Ding who was expecting tangible results very quickly. During these months some of us bacteriologists and the manager of this production, Marian Chlupickowski, with a collaborating decided that as quickly as possible some vaccine, light production should be turned out which could ultimately claim to be a vaccine, but which must not do any harm.

May I point out to the Defense Counsel that the work with the cause of typhus, the Rickettsia Proximi, that is to say, the cause of the classical typhus, the typhus exanthematicus, is very difficult. Science has not yet discovered the types of this cause for certain. There is a large table of the morphology of this Rickettsia. It is never quite certain and never quite ascertainable what is Rickettsia Proximi, that is to say, under the microscope. It is difficult to ascertain which shape would make certain that you are concerned with the cause -- with the germ of the Rickettsia typhus. This fact enabled us to go on very well.

When Dr. Ludwig Fleck came to Block 50 at Buchenwald, he said in his capacity as a strict scientist after the first consultation with us when he saw the typhus germs which we had produced from rabbit lungs, these were not Rickettsia and that we were concerned with some other type of germ. We asked him not to communicate this knowledge of ours to Dr. Ding under any circumstances but to make an experiment with us to try with us to get through this difficult matter in some bearable fashion. During the two years when Dr. Fleck worked with us right until the end Dr. Fleck kept this secret. Earlier when the Institute of the GDR in Moscow supplied us with infected

Court No. 1

lungs of mice and infectious material produced from the intestines of mice could it be ascertained definitely that Rickettsia Prowazeki were contained in our animal material after vaccination.

Following that we did produce a vaccine which beyond any doubt was most effective. It could only be produced in small quantities. Dr. Ding, on the other hand, demanded, putting himself under the pressure of the demands made on him from the Hygiene Institute in Berlin, that we should produce large quantities of typhus vaccine for the fighting troops. From that moment we produced systematically two types of vaccine, one type which was perfectly harmless which would do no damage, but had no value either. That was produced in large quantities, and that vaccine went to the front.

Court No. 1

A second type was produced in very small quantities; it turned out to be highly effective. It was only used for special cases, and issued for very special cases. And, we, ourselves, used it sometimes at the Concentration Camp Buchenwald for the vaccination of our comrades who were working in dangerous places in the camp. We, too, in Block 50 were repeatedly vaccinated with that vaccine. Doctor Ding-Schuler never heard of these constellations; merely we were faced with critical phases, which, in the Serio-Bacteriological Department of Block 50, there were dead, as it had been during any such production. But, since he did not have any real bacteriological knowledge he did not have the possibility of discovering the deep secrets of this production. He was absolutely, and in everything, depending on the report which the experts from Block 50 gave to him. Apart from that, it was in keeping with his reckless manner that he could go by external visible success, and when he saw 30 or 40 liters of vaccine which he was able to send to Berlin he was happy. He was hardly concerned during the latter period with the vaccination of the SS troops, and that these people did, nevertheless, fall ill in Russia suffering not only from typhus, something which is always a possibility, but die, in spite of the vaccinations, in large numbers. The ineffectiveness of our vaccine, in other words, of the vaccine sent by us to the front might become apparent, and the outside experts such as might have been at the disposal of the SS might then be sent to Buchenwald. They might have investigated the affair, and they would then have ascertained that this vaccine had hardly been produced. I know no such development occurred, and until March 1945 the entire adventure continued.

Q. Yes, witness, you had described a certain affair in Sachsenhausen according to Doctor Ding's story, a Russian had attacked Dr. Brugowsky with a knife. I did not quite understand the story. Would you mind repeating this story to the Tribunal?

A. Doctor Ding told me in connection with the secret poison experiment carried out on the four Russian prisoners of war in the crematorium at

Court No. 1

Buchenwald, that he together with Hrugowsky, had been at the Sachsenhausen Concentration Camp outside Berlin, and had attended a poison experiment which had taken the following course: Supposedly the Russians at the eastern front had used poison bullets. It had been impossible to find out what type of poison had been used. Now, it had been wished that various poisons should be tried out on the prisoners in the Concentration Camp in such a way that the prisoners should be shot with such bullets in order to ascertain the effects. During one such experiment or some similar experiment, and Doctor Ding did not speak very precisely in this subject, a Russian prisoner of war, one of the victims had succeeded in producing a weapon, a knife, which he had on him, and this prisoner had attempted to attack Hrugowsky, but after a certain amount of struggle he had been held down. The scene had been extremely exciting and he, Ding, did not wish ever again to be exposed to such an affair. It was my first thought when Ding told me this story that the SS had attempted to submit the possibility of poisoning infantry bullets, and that the story that the Russians had used such bullets was pure imagination.

Q. Witness, yesterday you speak about during Doctor Ding's experiments at Sachsenhausen four persons had been employed; is that correct?

A. I can not remember having mentioned the figure four, nor can I state for certain that we were, in this case, concerned with four prisoners. Doctor Ding merely said that some experiment or similar experiment had taken place in his presence at Sachsenhausen.

Q. I am not at the present speaking of Sachsenhausen, I am speaking of Buchenwald.

A. Yes, in Buchenwald there were four prisoners.

Q. Witness, do you want to say that Doctor Ding told you that these experiments took place on Hrugowsky's orders?

A. Yes, he said that.

Q. But, the diary says that "He was concerned with a special experiment



Court No. 1

on six persons, and the order came from the Reich Criminal Police Department and Rugowsky." Is that true? Can you remember that?

MR. McHANEY: I request the witness be shown the diary.

DR. THORNING: Will one of the defense counsel hand the witness the diary, please.

(The diary was handed to the witness.)

Q. On the 26th of October 1944. Have you got it?

A. No, I have not found it yet, will you tell me the page?

Q. In the German Document Book it is page 55; page 20 of the original diary.

MR. McHANEY: Page 51 of the English Document Book, your Honor.

A. Special experiment on six persons according to instructions of SS-Oberführer Dr. Rugowsky and RKPA. It is a verbal report. The diary states that there were six people; that, by recollection that there were four is wrong. The instructions from Dr. Rugowsky and the Reich Criminal Police Department does not contradict, in any way, what I have said; namely, that the instructions came from Rugowsky; direct instructions from the Reich Criminal Police Department to Doctor Ding, via the RKPA place. The instructions came through Rugowsky.

Q. Did Doctor Ding come directly from Sachsenhausen when he told you in great excitement that he had a manuscript and gave it to you for filling up?

A. I do not believe that the manuscript in Sachsenhausen had been completed when the experiment took place at Buchenwald. I believe I can remember that Doctor Ding had already previously given hints about the experiment at Sachsenhausen when the experiment at Buchenwald took place, and placed as under extreme secrecy. For instance, Doctor Ding told me that he could not tell me the circumstances of the experiment that he was afraid to tell me. When this experiment took place, he was again referred to the office at Sachsenhausen. Just from there he had the manuscript for the report is something, I do not know.

Court No. 1

Q. Do you know where this poison was produced?

A. No.

Q. According to your account Scholbert, Piester, and a fourth man were present during that experiment. Is that correct?

A. With reference to the Camp Commandant SS Oberführer Piester, I am not certain. That the first camp leader SS Sturmbannführer Max Scholbert was present is something I never said because Dr. Ding in my presence called Scholbert by telephone and told him, "Maxie, you've got to come over right away."

Q. Did Dr. Ding not tell you later what sort of poison you were concerned with?

A. No.

Q. Was there a report to the Reich's Criminal Police Department about this experiment?

A. Not through my hands.

Q. You, witness, stated yesterday that Krugowsky had agreed to these experiments, to the experiments carried out by Varadi. How would you have this knowledge?

A. Dr. Ding also reported to Krugowsky about the experiments which were carried out at Buchenwald.

Q. In other words, you are merely tracing the conclusion from the fact that Ding reported to Krugowsky that Krugowsky was agreeable to those experiments?

A. It was Dr. Ding-Schulze's practice that every important matter should be reported to Krugowsky. Because it was known to him that Krugowsky very rarely could be got to put anything down in writing, Krugowsky used to deal with almost everything verbally, and I've seen on one occasion Dr. Ding told me that Krugowsky had told him that it was perfectly all right if he, Ding, then reports to him in that matter, putting down on paper the progress of these matters. If there were no objections, then there was normal procedure, normal procedure. In this particular instance I therefore drew the conclusion from the report made to Krugowsky that he was agreeable to that experiment. In addition to Krugowsky as Dr. Ding's chief in that matter,

Sturmabfuhrer Dr. Vornet's experiment did not come under the jurisdiction of Dr. Ding either, and I cannot, therefore, state for certain that it came under the jurisdiction of Krugowsky. Krugowsky's approval regarding Dr. Ding's participation, however, seemed given. It appeared to me that it had been given but that participation was merely assistance in the shape of a more organizational type from the outside.

Q. Yesterday, Witness, you mentioned Dr. Ellenbeck who had worked in this laboratory. Could you please tell the Tribunal what the leading activities of Dr. Ellenbeck were in the guest laboratory?

A. Dr. Ellenbeck, SS Hauptsturmfuehrer and later SS Sturmabfuhrer, was possibly even more ambitious than Dr. Ding-Schuler. He was more conceited, more conceited to a very considerable degree than Dr. Schuler. These two men, as far as the outside world was concerned, were friends. As it is in keeping with such ambitious SS types, they were fighting against each other, nevertheless, behind each other's back. It was Dr. Ding's concern and worry that gradually Ellenbeck might grab Block 50 for himself and that gradually he would achieve a better reputation with Krugowsky than Dr. Ding, had at the time himself.

Therefore, he told me about the respective stages of Dr. Ellenbeck's work in Berlin as far as he, Ding, could judge it. The situation therefore appears to be this-- Ellenbeck came to Krugowsky with a number of suggested changes of initiative, which Krugowsky approved. The so-called guest laboratory in Block 50 was installed, not by any means the only place and activity for Sturmabfuhrer Dr. Ellenbeck.

Q. Witness, I am merely interested in finding out what was the work, the main work, carried out by Ellenbeck in this guest laboratory which you always referred to yesterday.

A. Chemical research of blood. For instance, the ascertaining of the composition of the blood of human beings, being subjected to various stages of examination. For that purpose, for instance, prisoners from the quarry and so on would be ordered to report to Ellenbeck. The way to used to put in



was that he shouted: "Get me a few of those dopes of yours for blood supply."

Then after that heavy work in the quarry, these people were brought to him; and then they had to perform physical exercises in front of him until they were exhausted, whereupon the blood was taken from them; and the oxygen content of that blood taken from persons with an exhausted condition was thus ascertained. That's one example. Furthermore, Dr. Ellenbeck had to make the preparations necessary for the study of the cure of edemas. I heard through Dr. Ding that it was supposed that starvation edemas should be produced artificially, although there wasn't any actual necessity for this since they were in existence by the score; but apparently it was desired that the conditions under which they occurred should be isolated in order to be able to study them more efficiently, and Ellenbeck was then to produce cures for them. Furthermore, Ellenbeck dealt with convalescent serum. The blood of convalescent persons was taken from experimental--

Q. Yes, well, let me interrupt you. We dealt with that yesterday. Thank you very much. We don't have to come back to that. I was merely interested in hearing from you that research was carried out and was the main activity connected with this starvation edema.

Now, witness, yesterday you said that the order for these inconspicuous bomb experiments came from Dr. Krugowsky. Did not Dr. Ding tell you that before these experiments he had been to see the Higher Police Leader von Boersch of Dresden? Have you got this document book before you still? Well, I ask you to open it to the last page of the working report.

A. I can remember without looking at this report that Dr. Ding-Schuler did talk to the Higher Police Leader von Boersch personally and was in contact with him. He reported to Krugowsky at every stage of the development just as it was the habit at this time and just as it was his order at that particular stage not to do anything without the approval of or, if possible, the approval of Krugowsky.

Q. Yesterday, witness, you referred to the vaccine produced at

the Robert Koch Institute and you described to us the Cox-Gildemeister-Haagen vaccine; is that correct?

A. Yes

Q. Where did you get the Cox-Gildemeister-Haagen designation from?

A. Right from the beginning it was called that in Block 50; and it was also contained in scientific publications. Again, as vaccine according to the process of Cox, Gildemeister and Haagen, it was reflected. The American Cox was named in that connection because he was the first man to transplant *Mickettsia Przewalski* to the yolks of chicken eggs.

Q. You read Dr. Ding's report to the Military Medical Academy, didn't you, the report?

A. Yes. May I ask you which report you are talking about?

Q. The report which Dr. Ding made before the Military Medical Academy about his experiments.

A. No, I did not read that report. The third Military Medical conference with which we are here concerned took place, as far as I can recollect, during the first half of May, 1943, in Berlin. During the second half of the month of April, I was attached to Dr. Ding-Schulor as medical clerk; and my work with him began only on the 2nd or 6th of June, 1943 after Dr. Ding's return from Berlin. It was then that he told me during the very first days of my work for him about this conference; but I must say in that connection that between the time of Dr. Ding's return from Berlin and the beginning of my clerk's work for him, that is to say, between the end of May or the second half of May, and the 6th of June, I saw Dr. Ding quite frequently and had orders and instructions from him.

Q. In the report which Dr. Ding made during this Congress and which, of course, we have in writing, he always referred to this vaccine as being produced according to the Gildemeister-Haagen process, without the addition of the name of the American Cox. Is it known to you that, apart from that, Dr. Ding always referred to the Gildemeister-Haagen vaccine?

A. It is perfectly possible and perfectly explicable, considering Dr. Ding's habits, that he did describe it thus. It is quite possible that it was only through the scientists in Block 50 that the other designation became clear to him. In Block 50 at any rate the vaccine was always described as being produced according to the Cox-Gildemeister and Haagen process.

Q. Did Block 46, Dr. Witte, have any animal stable in which experimental animals were kept?

A. No.

Q. Would you please look at the diary entry for the 23rd of March 1943?

A. May I ask you to tell me the page? You mean German document Page 44?

Q. That is right.

MR. BELMONT: Page 44 in the English Document Book, Your Honors.

BY MR. BELMONT:

Q. Conference between SS Sturmbahnführer Bernowald, SS Sturmbahnführer Ding, and SS Hauptsturmführer Schiesinger, in the offices of Department 15, I & V.H.A., Economic and Administrative Chief Department, about the rabbit and guinea pig and mice collection for experimental animal purposes for the experimental department. Did the keeping of such animals for the experimental department ever become known to you?

A. At the time mentioned conferences did take place about the question of keeping animals for the two departments dealing with typhus research -- that is the clerical department and the vaccine production -- that such animal stations should be installed. It was to take place under the administrative chiefs' responsibility; SS Sturmbahnführer Bernowald, who was a very distrustful person and

who didn't wish that prisoners from Block 46 and Block 50 be removed from his jurisdiction to a considerable extent, as it were, should be in position to dispose of rabbits. He knew the conditions in the camp very intimately and he knew that we would just eat these rabbits. There was a considerable fight between the administrative chiefs and those SS men who were under our influence and who also were interested in getting rabbits which were meant to be experimental animals into the frying pan. I must add that we were living under conditions which got us to the point where we were even eating infected animals. In the course of those negotiations it was finally decided that this experimental animal department would only be attached to Block 50 because 46 did not offer any facilities for a control through the administrative department of the concentration camp at Buchenwald.

Q. How do you know about these negotiations so intimately, in such detail? It was on the 23rd of March 1943 that they took place and you didn't get there until much later, you didn't join Dr. Ding until much later.

A. May I point out to the defense counsel that in a concentration camp nothing was more intensely dealt with, more thoroughly talked about than matters relating to food. The negotiations concerning these rabbits went on for a full six months. After the beginning of my work with Dr. Ding I took part in these negotiations in a very vivid manner, because when the prisoners considered that an extraordinarily good proposition right from the beginning of increasing our food supplies. As an aside, you might be able to see from this what circumstances interfered with the scientific value of experiments carried out in a concentration camp. There was no stage during these negotiations which I didn't trace back right to the very beginning of it.

Q. You therefore know the negotiations, regarding the beginning of the negotiations, only by hearsay?

A. From the conversations of all persons concerned with the



exception of Strambachfuehrer Bannewald.

Q. Yesterday, Mr. Witness, you had talked about the letterhead, which you described as the "bloated head". It was Reich Medical Officer SS Chief Hygiene Officer, Hygiene Institute of the Waffen SS, Chief Professor Dr. Joachim Krugowsky. This letterhead, was that used by Ding or were you then referring to arriving letters which had such letter heading as that?

A. Yesterday I didn't express myself too accurately. When I was speaking I was noticing that I had used the word "letterhead" but I didn't want to correct myself in such a comparatively immaterial affair. I am talking about the address. Left top there was the letterhead; that was three lines long and it was "Department for Typhus and Virus Research in the Hygiene Institute of the Waffen SS, Weimar/Buchenwald." On the right hand side there was the date; then followed underneath the address, which ran up to seven lines, so that in the case of full foolscap sheets I had only one single line left for the text of the letter after I had written the date and the address. The actual address was also very slightly different than as I described it yesterday. In particular, Krugowsky was not "Professor" but "Dozent Lecturer"; but on the other hand, his double doctor title was quoted quite frequently in its entirety. He was a Dr. of Botany and a Dr. of Medicine.

Q. Do you also know the letter heading used by Krugowsky himself and what did they look like?

A. They changed. It depended upon the function in which Krugowsky was writing to Dr. Ding. You see, Dr. Ding also had the functions of a hygienist for the prohibited territory "B" of the Waffen SS under Hirt. When Krugowsky, as Chief Hygienist, wrote to Dr. Ding, then, as far as I can recollect, the letterhead read as follows: Chief Hygienist of the SS. If, on the other hand, he wrote in his capacity of Chief of the Hygiene Institute, then he was referred to as such; the signature was quite frequently

"Mrugowsky, Department Chief".

Q. This question of seven lines, that was therefore an invention which Dr. Ding was employing, wasn't it? In Mrugowsky's own letterheads it was never used; is that correct?

A. No; but then I don't see why it should have been an invention of Dr. Ding's.

Q. Well, after all, that is unimportant.

DR. FLEMING: I have no further questions.

DR. MERKEL: Attorney Merkel for Defendant Gensken.

BY DR. MERKEL:

Q. Witness, according to your testimony it has become certain that there were two different types of typhus stations operating at Buchenwald: a) the experimental station or clinical station at Block 46, and b) the production station in Block 50. Is that correct?

A. The vaccine production station in Block 50, yes, that is quite right.

Q. Do you know since when the experimental station at Block 46 existed?

A. The beginning of this experimental station at Block 46 goes back to the last months of the year 1941. The preparations and the very first experiments took place in the stone blocks Nos. 44 and 49. According to my memory, it was at the beginning of 1942, after appropriate installations had been made in Block 46, that the entire operational level of the experiments and the apparatus was transferred to Block 46.

Q. And the production plant at Block 50, when did that begin its activities?

A. August 15, 1943.

Q. It was at that time that production started there I take it?

A. It was at that point that these operations were started which I have described earlier. That is to say, the part preparation for production.

Q. These two blocks were entirely separate plants. Apparently there was only the personal union in the shape of a joint chief,

Ding-Schuler, and in the shape of the joint offices; is that correct?

A. As far as the physical situation was concerned, both blocks were separated, yes. Each one of those stone blocks stood on a different side of the camp there in the same row. Those two departments had no joint personnel, for instance. That is to say, the prisoners who worked in Block 46 had no business whatever in Block 50, and prisoners working in Block 50 had no business in Block 46. The joint chief was Dr. Ding-Schuler. Any collaboration only developed because of various circumstances. There was no joint office. The office which has been talked about here was in Block 50 and it had on its part nothing to do with Block 46. The collaboration between the two blocks consisted, from case to case, in the fresh blood of typhus patients to the extent of two cubic centimeters would be taken to Block 50 by Cape Arthur Diebusch and there transplanted or vaccinated on to guinea pigs. Secondly, that instructions which Dr. Ding-Schuler would give to the office in Block 50, as far as they concerned Block 46 from the point of view of organizational or technical matters, were passed on from the office to Block 46 by means of a field telephone.

Q. If you were to look at the document book, fitness -- and I am talking about Page 41 -- that is Page 6 of Ding's diary -- then you will find an entry of January 9, 1943, and there it says that the name of the experimental station was changed from Typhus Experimental Station, Buchamwald, to Department for Typhus and Virus Research. You yourself admittedly didn't get there until April 1943 but, nevertheless, are you able to tell us and confirm to us that this entry is correct and that that alteration had actually taken place as early as January, 1943?

A. According to all the information which I had available in the camp that entry is correct. I can by no means state that the 9th of January is correct but I can confirm that it was in January 1943 that this happened.

Q. Can you confirm from the files of the office at Block 50 what the letterhead of these two might have read before January 1943 and what it might have read after January 1943?

A. Just what it read before is something I cannot confirm. I cannot now remember that. At that time correspondence was handled by Dr. Ding in the office of Block 46. The correspondence was mostly kept there, too, unless it was later on transferred to Block 50, but I really can not now remember the letterhead. After the beginning of my work I often wrote, as I earlier told you, following Dr. Ding's instructions, quite regularly: "Department for Typhus and Virus Research," sometimes "Attached to the Hygiene Institute, Waffen-SS" or sometimes only "Hygiene Institute, Waffen-SS, Berlin" and underneath that, "Weimar/Buchenwald."

Q. Do you know anything about the question in connection with other experiments, namely experiments with poison, phosphorous, incendiary bombs, etc., if the name Gensken was ever mentioned?

A. It was never mentioned.

Q. These experiments did not start until the late autumn of 1943, if I understood you correctly?

A. Yes.

Q. One last question. You stated in your testimony that you can not say for certain whether the Defendant Gensken or Reichs Medical Officer, Grawitz, had been to Buchenwald. Defendant Gensken states, and is most emphatic about it, that he has neither visited Block 46 nor Block 50 nor the Concentration Camp Buchenwald at all or at any time during the war. What do you think you can base your



assumption on that Gensken had been present in the Typhus station  
at Buchenwald?

A. Merely upon the repeated written invitations which  
Dr. Ding-Schuler sent to his former chief and, as he used to put  
it, "Fatherly Friend Gensken", to look at the "workshop" at  
Buchenwald. I want to remark in this connection

that the "officer tone" was frequently employed by Dr. Ding, even in less serious matters. I can not confirm to you that Gruppenfuehrer Genzken actually followed any of those invitations in reality.

Q. Thank you very much. I have no further questions.

DR. GUERR (Assistant for Defendant Poppendick's defense counsel):

Q. Witness, did you see Defendant Poppendick in the camp during your stay at Concentration Camp Buchenwald at any time?

A. No.

Q. Did you know him personally?

A. No.

Q. Yesterday you were talking about typhus experiments. Did reports about typhus experiments go to Defendant Poppendick?

A. No. At least not from Dr. Ding-Schuler.

Q. I see. Then with reference to the subject to Dr. Varnet. Yesterday you were talking about experiments on homosexuals made by Dr. Varnet and you were talking in that connection about 2 fatalities. Is it correct that the cause for the deaths of these 2 experimental persons was on one occasion a phlegmon infection and on the second occasion general body weakness?

A. That is perfectly possible. The case of deaths did not happen in my sphere of work, in that sphere, I mean, which I could survey personally. From the prisoners' sick-bay I heard that 2 experimental persons had died. It is possible that these occurred in connection with experiments or partially from other causes.

Q. But you state in your book, "The SS State" and I am sure you remember this, that the matter was different.

A. What do you mean, I state in my book?

Q. That one death was due to phlegmon and the other death to general body weakness in connection with these experiments of Dr. Varnet.

A. May I ask you whether, in this cross-examination here, I am being examined about the correctness of my past published statements in the book "The SS State" or the correctness of my statements before this Military Tribunal?

Q. In other words, in your statement you are not referring to your book any more. You have heard that statement from some other person?

A. I am not saying that I am basing myself here on the statements made in my book or that I am not basing myself on it. I can say at this moment that what I said at this particular place on that tremendous subject I had to deal with, what I actually said was on the strength of what details are now at my disposal. If, therefore, we are concerned with the statements in my book, I would have to go home and look at my documents before I could give you a clear and reasonable answer to your question. In this particular case, therefore, I am not under any circumstances basing myself here in this courtroom, on that book, which I have written.

Q. Witness, did the correspondence pass through your hands addressed to the Experimental Department at Leipzig?

A. The correspondence always went either to Poppendick or to Obersturmbannführer, Dr. Klichert, or to the Higher Police and SS Leader von Voersch. I cannot remember having carried on a correspondence with the Experimental Station V, or, as we were calling it, (Roman Numeral Five) V, or ever having been directly in touch with it, in fact. Otherwise I would very probably know the exact address.

Q. Do you know whether Defendant Poppendick was merely in contact with that experimental station or whether he was its responsible head?

A. That I do not know. I assumed that he was under the jurisdiction of the Higher Medical Officer-SS and that he was the expert concerned.

Q. How do you know that Dr. Varnet actually belonged to this Experimental Department V?

A. In correspondence the description recurred quite often.

Q. But this experimental station was never described any more clearly? It was either called Department V or Department V (Roman Numeral Five).

A. Yes.

Q. Thank you. I have no further questions.

JUDGE BEAMS: The Tribunal will recess for fifteen minutes.

(- record was taken.)

Dr. G. L. (Counsel for Defendant Heven.)

Q. Witness, you told us in detail about the cooperation of the defendant Heven with the illegal camp administration of the concentration camp at Buchenwald. Did I understand you correctly? Did his cooperation consist of, first, to make suggestions to the illegal administration of the camp and then realize them into acts and then cover acts of the illegal administration, and, secondly, did he translate orders of the SS, according to the suggestions of the illegal camp administration?

A. The first point is correct. Suggestions of the illegal camp administration were actually conducted and he actually also covered the realization of such orders by the illegal camp administration. Q. I ask you to report the second point?

A. To execute orders of the SS, according to the suggestions of the illegal camp administration?

Q. Whenever the SS issued any orders for the camp, which referred to the hospital, to the inmates or with reference to punishment actions in the camp, then the illegal camp administration is definitely referred then to Dr. Heven whenever he was present and asked him to try either to save persons who were in danger, that is to save them from punishment actions, or if the entire camp was affected, he was asked to alleviate these actions by appealing to the camp administration or to have them completely withdrawn.

Q. I now come to the action 14 F 13. Doctor, do you know of two actions 14 F 13 took place; one from July to July, 1941, second in the year 1942?

A. I know that in 1941 as well as in 1942 there were reports from Buchenwald. I do not know what these two actions 14 F 13 were. I was of the opinion that only one action 14 F 13. I was of the opinion that only one action 14 F 13, that is the one of 1942, was designated in that manner.



Q Doctor, I am not referring to the individual transports but what I mean there were two orders with reference to 14 F 13, one of them from the month of May to July, 1941, and then there was a second order issued by Himmler in the year 1942. Do you know that?

A Yes.

Q Do you know that during the first action, which took place and was ordered in the year 1941, the inmates were selected by a commission of physicians coming from Berlin, consisting of three physicians?

A Yes, I know that.

Q Do you further know that the defendant Heyn in the year of 1941 was not the first camp physician, but that that that the Dr. Blanke was the first camp physician?

A Yes, I know that.

Q Do you know that an order existed, originating from Himmler, with reference to the first action 14 F 13, that in addition to the insane and crippled, all the Jews of the concentration camp Buchenwald were to be selected?

A Yes, I know that too.

Q Do you further know that on the basis of an order of Himmler this action 14 F 13 was only known to a small circle of officers and SS physicians and that it was forbidden under the punishment of death to inform other people about that?

A I learned that from the members of the illegal camp administration, who said that they had learned that from Dr. Heyn in this part.

Q And that brings us to the next question; do you know that the defendant Heyn, after being informed about the first action 14 F 13 and its extent, got into contact with the former SS-Camp Director - member of the illegal camp administration - the actual SS-Camp leader Gryn and told them about this incident?

action, contrary to the expressed order of Hitler?

Q I know that and I know it from these boys.

A Do you further know that Aronson and Cohn agreed with Dr. Heyden to prevent the delivery of Jews for that purpose?

A As far as Aronson and August Cohn did that. They reached an agreement with Dr. Heyden that everything was to be done in order to prevent this action as far as possible.

Q Do you also know that this was done by the defendant Heyden? Do you further know that this action, which was tried to be prevented by the illegal camp administration, was designated 13 F 14 rather than 13 F 13?

A I cannot say any exactly whether at that time I know that these two letters were exchanged. It is possible, since I myself at that time whenever this question came up and that was years later, I repeatedly exchanged the numbers and letters.

Q Can you describe to the Tribunal what measures or counter measures were taken and when it was prevented that all Jews were delivered for these transports?

A I can say the following in that connection; we did our best to see that 210 Jews, who were for many years in the concentration camp Buchenwald and who were long friends in the camp, of whom I had important professions, for instance, professors, physicians, authors, politicians, or such Jews who were of special importance for the development of a more liberal socialist future, we did to it that they were struck out from the list under the action 13 F 13. The SS administration of the camp, partly by Aronson and partly by Dr. Heyden, was told clearly that a number of very important buildings for the war effort were to be erected outside of the camp. They were told that these buildings could not be erected if a certain amount of building expert were put at our disposal. Approximately 210 of these Jews, as I

described their reports, were designated as building experts. With conditions as they were in the concentration camp, the SS did not investigate such reports and they were hardly able to do so and make a thorough investigation, since most of them, even the SS men, knew nothing about these expert professions.

Court No. 1

These Jews often had already worked in quarries and in building, details and had participated in the forced labor for the erection of barracks and therefore gained some knowledge which enabled them to use that knowledge in an emergency in case they were investigated. Whether the SS camp administration reported this necessity to keep these builders to the Berlin SS head office or whether on their own initiative merely on the basis of the suggestion of Dr. Hoven and the suggestion of many others made the decision in order, I do not know. It is a fact that these 210 Jews approximately remained in the camp of Bismarckwald and nearly all of them stayed there until 1945 and survived this terrible period. I know nothing more about the connection in this saving action.

Q. Doctor, you stated before that this saving action was done with the co-operation of the illegal camp administration and Dr. Hoven. I am just being informed, Mr. President, that co-operation was not translated and I should like you to concern with it once more.

A. As I stated, on the basis of suggestion and intervention of Gapos and on the basis of suggestion of Dr. Hoven in actual co-operation.

Q. Witness, do you know that the defendant Hoven carried out further measures in order to save these Jews, namely, getting into contact with the leading physician Dr. Lohing and that he had him prepare a work about anthropological measurements in order to be able to strike these Jews from the lists?

A. I don't know this fact. However, I do know that Dr. Hoven selected a certain number of these Jews and safeguarded them especially by keeping them within the limits of the inmate camp and housing them there, for instance, in the tuberculosis section August Kohn himself was transferred as a so-called house orderly into Block 46. From there he was later transferred to Block 50 and also thus survived in the camp.

Q. Doctor, do you further know that in spite of all of these measures by Dr. Hoven together with the illegal camp administration took one or two days before departure of the transport, it was found out eleven political prisoners who were in important positions were on the list for transport further



Court No. 1

measures were taken?

A. I know that and I already mentioned it yesterday.

Q. Doctor, with reference to the measures which the defendant Hoven took together with the illegal camp administration know it by some of these measures first at the beginning of 1942 there was still a large amount of Jews in the concentration camp Buchenwald?

A. That's absolutely correct.

Q. Witness, during your interrogation by the member of the prosecution you were asked what the defendant Hoven had to do with the action 14 F 13. In this connection you mentioned an exchange of correspondence. Do you know that this correspondence referred to the action 14 F 13 in the year 1942?

A. Whether the first or the second transport actually left, I think one transport did leave. The other transports were prevented and as I was assured by the hospital on the basis of intervention of Dr. Hoven.

Q I now come to another point. Doctor, you spoke about the conditions and the experiments in the so-called "little camp". Will you please tell the Tribunal in what year these experiments took place in the "little camp" ?

A It was in the year of 1944 and 1945.

Q Well, that was at a time when the Defendant Hoven was already arrested?

A Yes.

Q You further spoke about the fact that the Defendant Hoven in the year of 1943 was arrested because of a suspicion of having poisoned the SS Unterscharfuehrer Koehler. Do you know, Doctor, that the Medical Institutes in Jena and Berlin established a nicotine poisoning as the cause of death, and that investigation by criminal counselor Wehner showed that Koehler had smoked about a hundred cigarettes shortly before his death.

A I know this connection. I also know what part Dr. Wehner played in this trial. A number of interventions were started in order to liberate Dr. Hoven and get him away from the jurisdiction of the SS Court. Dr. Wehner was one of the protectors of Dr. Hoven. Dr. Wehner, as well as a number of inmates who were in contact with the members of the SS Court, told me what means were used in this trial.

Q Doctor, please let me interrupt you, but this trial does not really interest us here, and we do not want to take up the time of the Tribunal, but you know as a fact that such statements were established?

A Yes.

Q Witness, do you further know that the proceedings against the Defendant Hoven were based on the case of Kuschmir Kuschmarov, and that this case was also part of the proceedings?

A Yes, I know that, too. Kuschmir Kuschmarov is the correct pronunciation.

Q Can you tell the Tribunal who Kuschnia Kuschnarev was and what part he played in the camp?

A Kuschnia Kuschnarev was a White Russian emigrant. As one of these emigrants of Tsarist, Russia, he called himself a former General. He had been evicted from Yugoslavia, went to Austria, and as we know from our comrades in the Austrian Police, he gave some confidential services. For a reason which we never knew, Kuschnia Kuschnarev was sent into the concentration camp at Buchenwald and that already in 1939 he knew it within approximately one year to awaken the impression of a decent human being. He got to know about a number of things in the camp. Suddenly he started to collaborate with the SS, and those prisoners who came into some contact with him were delivered to the SS by making false or correct statements about them. Kuschnia Kuschnarev soon assumed a very important position in the camp, being furthered, of course, by the SS. At this stage, no doubt, he would have been killed if the SS hadn't safeguarded him in a very special manner. Within the barbed wire where the inmates had their own administration and where the SS Block Fuhrer was only occasionally present, he could not get away from the justice which the prisoners would have meted out to him. He, therefore, was kept by the SS in a little building in the gardens which normally are not accessible by the prisoners.

As Jehovah Witnesses who were there, he demanded a few later to the SS because they had some copies of the Bible in their possession. These two Jehovah Witnesses were subsequently hanged.

For Kuschnia Kuschnarev did not feel himself safe in the garden, the SS promoted him to the top of the inmates office. Kuschnia Kuschnarev then became the chief of one of the main control offices of the illegal camp administration. Every active member of the illegal camp administration from that moment on was

who is possible as far as the office was concerned, and this in  
practice meant that the entire illegal apparatus was laid down  
at least twenty-five percent.

For many weeks there reigned a terror in the concentration  
camp of Buchenwald, especially when Kaschkin Kuschmarov was  
selected to instruct the arriving Russian prisoners of war accord-  
ing to the directives of the camp administration and to investigat-  
ing them to see whether there were political commissars among  
them or whether there were any convicted, prominent bolsheviks  
of any special importance among them. Kaschmarov could do that  
the basis of his knowledge of Russian, and did this job extremely  
well, and on the basis of his denunciations hundreds of prisoners  
of war were removed from the so-called "prisoner-of-war camp" at  
the concentration camp of Buchenwald and were subsequently im-  
prisoned. This prisoner-of-war camp housed within the limits of  
the Buchenwald enclosure of the concentration camp of Buchenwald  
about one thousand Russian prisoners of war. Any visitors  
who came to the concentration camp of Buchenwald were taken there  
and they were really used as an exhibition, for normally all  
Russian prisoners of war who were removed from the Stalag, from  
the prisoner-of-war camps and were sent to the concentration  
camp without ever actually entering the camp were immediately

Kaschkin Kuschmarov, therefore, even from that sphere was  
the cause, selected his victims where there were approximately  
thousand and it is hard to say how many of these  
prisoners, and these people proved themselves as excellent com-  
rades of the other inmates in the camp. One tried to find means  
in order to remove this agent of the SS. For months there was  
no possibility since Kaschkin Kuschmarov was safeguarded, and  
any attempt against him would have become conspicuous, and measures  
which any people taking such actions could have been taken.



One day after all preparations on the part of the illegal  
administration against Kuschnik Kuschnarev were made in  
the Hospital of the inmates, and these preparations were made in  
agreement with Dr. Hoven, Kuschnik Kuschnarev was careless and  
went into the Hospital complaining of a severe headache in order  
to receive some drug against it. After an hour and a half he  
was dead.

I think I can recollect that Dr. Hoven at that time and dur-  
ing those hours was present in the Hospital of the camp. It is  
known to me that the SE Court investigated this case against Dr.  
Hoven and accused him of murder against Kuschnik Kuschnarev.

Q In order to clarify one matter, Doctor, you said that Kushnia Kuschnarev was a Tzarist White Russian; in that case, he was not a member of the United Nations?

A According to what we know from him and from the files of the Political Department through our illegal spying system, he was not a member of the United and Allied Nations.

Q Would further inmates, especially members of the Allied Nations or rather would many of such members of the Allied Nations have been killed if Kushnia Kuschnarev had not been removed?

A There is not the least doubt about that.

Q Was there another possibility to exclude Kushnia Kuschnarev, and thereby prevent further murders of members of the Allied Nations?

A The possibility -- the political prisoners of the concentration camps of the SS were in an absolute state of emergency. There was no trace of justice for them because the men belonged to the illegal camp administration and there was no other possibility to protect them against dangers other than the possibility of self defense. I personally, as a convinced Christian, do not deny these men the right to act in that state of emergency, and to remove dangerous men who have caused the loss of life of many men in the camp in collaboration with the SS. I am, therefore of the opinion that Kushnia Kuschnarev was justly killed, add that there were no other possibility or way to remove him under the circumstances existing at that time. Especially since we did not succeed in sending Kushnia Kuschnarev on the transport since the SS in the camp used him as one of their main tools.

Q Did the defendant Hoven only, during the last period, collaborate with the illegal camp administration against the SS, or was that already the case at the time when Germany did not think of defeat?

A Doctor Hoven from the very beginning of his activities as camp physician cooperated with the illegal camp administration. I do not know during the first period, that is to say: during the first month, that it

was clear to him what functions were exercised by the political prisoners in the Concentration Camp of Buchenwald with whom he personally cooperated in the camp and with whom he had dealings. Later because of a number of connections, this connection certainly became clear to him.

Q I now come to the case of the Poles. Doctor, did you know that Doctor Ding, shortly before his death, during his arrest in Freising had admitted to have killed the Polish physicians?

A That is not known to me.

Q Can you define your attitude with reference to the credibility of this admission on the basis of your knowledge of the facts?

A The fact that Doctor Ding had part in the killing of these Poles is beyond doubt; that he, himself killed these Polish physicians, and the other Polish prisoners who were killed. Doctor Hoven, I cannot say with certainty both matters are possible. There are, however, living political prisoners of the former Concentration Camp Buchenwald, who actually present during the killings, and who were either in the same room or in an adjoining room, and who could give the exact information about that matter. In particular is Doctor Marian Chiepielowsky, who is the only surviving victim, and he would be in a position to testify with regard to that matter.

Q If I understood you correctly during your examination, you mentioned that this killing of the Polish physicians was not independent of the fight of the illegal camp administration?

A That is correct.

Q How was this killing connected with the fight of the illegal camp administration?

A From the Concentration Camp Auschwitz, shortly before that, the Poles had been sent to Buchenwald. It was reported from the inmates of Auschwitz that amongst those transported there were some so-called Fascist. And, I must mention here that by saying Fascist, that the expression Fascist was misused at that time, during the time I was in the camp as it is still being used today. Whoever had no special orthodox convictions was very

asily designated as a Fascist. However, it was established that some of the Poles who were brought to Buchenwald from Auschwitz had been beating people in the Concentration Camp Auschwitz; that they were really terrorizing their comrades in Auschwitz, and they delivered some of their fellow inmates to the SS, and they were gassed subsequently. We did not know the names of the individuals, the guilty ones. Because of a number of intrigues in the Concentration Camp Buchenwald it was said that an entire group of these Poles coming from Auschwitz were in collaboration with Polish patriots who were in the Concentration Camp Buchenwald and that they intended or had made preparations to take over the leadership inside the camp on their part; that is to remove the illegal people of the illegal camp administration in Buchenwald. I do not know how the SS camp administration received that information, that this group of Poles were preparing some action against the SS, and which could only be believed by the SS because an open riot in the concentration camp was completely out of the question. At any rate, this information which got to the SS through channels unknown to me, was sufficient in causing that action about which I spoke yesterday: namely, that four or five Polish patriots were brought to Block 46, and with the exception of Doctor Chiepielowsky, were subsequently killed.

Q Doctor, do you know that the defendant Hoven received and protected this Marian Chiepielowsky which you mentioned; that he promoted him as leader of the hospital in Wernigerode?

A I know that Doctor Marian Chiepielowsky became the leader of the hospital in Wernigerode because of his position in the hospital in Buchenwald. That was not possible without a formal approval of Doctor Hoven. I think it is quite probable that some men of the hospital spoke to Hoven about it. I do not know all the details in that matter.

Q I now come to the case of Friedemann and May. With reference to these two persons, were we concerned with Germans or members of the United Front?

A We were concerned with two German criminals, so-called professional



criminals-

Q Was it further known to you that these two people as well as two political detainees and five Jews were killed by these two people?

A What is known to me is that these two, Friedemann and May were known as infamous beaters in the camp, and that a number of victims from every part of the camp must have been attributed to their acts of guilt.

Q Is it known to you that in the case of this killing of two, the political committee, that is to say, the illegal camp administration, collaborated?

A That became known to me at a later stage during the time when I was detained in that camp. When this case of Friedemann and May came up before the pre trial judge of the SS legal court, Sturm-bannfuhrer Mohr, and where it played an important part, I made inquiries from members of the illegal camp administration and discovered that they had been interested that these two people in the sick bay for prisoners once they had been released as cured and therefore had not perished in the sick bay should be killed in the sick bay.

Q You have repeatedly mentioned that defendant Hoven was Ding's deputy during Ding's absence; and at the end, during direct examination, you actually mentioned that defendant Hoven had been Ding's assistant. I presume that when using the word "assistant" you were trying to express it that this happened when Ding was absent?

A I became aware of having used the word "assistant" yesterday. It doesn't originate from me. I didn't use it. It was someone else who used it. Dr. Hoven was Dr. Ding's deputy.

Q Is it correct to say that Ding, particularly because of the inactiveness of the defendant Hoven and because of the lack of typhus experiments, was chosen by Ding as his deputy?

A That is correct, in as far as Dr. Ding, who, as I have emphasized, was very ambitious, did not have to be afraid of any competition from Dr. Hoven.

Q Yesterday you mentioned that Defendant Hoven quite often came to Block 46. Is it correct that in this Block 46 the carpenters' and shoemakers' shop was installed?

A In Block 46 there was an illegal, small but very

effective, tailor and shoemakers' shop, too, which had been installed for Dr. Ding and Dr. Hoven; that is to say, naturally without knowledge on the part of the SS administration of the camp. In the latter Koch-Hoven trial of the SS this matter, too, played an important part. I can remember the hasty efforts which started in order to remove these two workshops when the matter, as we would say, was about to blow up in the camp. There was continuous work for Dr. Hoven and Dr. Ding going on in these two workshops.

Q. Dr. Hoven presumably visited these workshops frequently, didn't he?

A. He was in cooperatively close contact with the Capo in Block 46, Otto Dietrich, who was responsible in Block 46 and who was eager to supply the SS leaders with even more goods than they were wishing to have themselves. Otto Dietrich at that time had already been in detention for a period of twenty years.

Q. And then, Dr. Kogon, you mentioned a three-fold position of the defendant Hoven at the camp at Buchenwald. First

Court No. 1

of all you said he was camp physician; secondly, Ding's deputy, and, thirdly, for some short periods Dr. Lolling's representative. In order to elucidate this point, I have a few questions to present. First of all, do you know how long defendant Hoven represented Lolling?

A. To my recollection only for a very brief period. Unless I am mistaken it amounted to about six or eight weeks. I assume that this was in 1943.

Q. But then, if I now tell you that it was only four weeks, would you believe that that could be correct, too?

A. Yes, certainly.

Q. And if I go on to tell you that defendant Hoven as deputy for Dr. Lolling was not in a position to give orders and had no executive powers, would you consider that too to be correct?

A. Yes. I can remember that on one occasion there was an investigation of some sort in order to establish whether Dr. Hoven's authority as Dr. Lolling's Deputy enabled him to give orders; whether he had given orders; and whether he had been entitled to give orders. Nothing is known to me about the results of this affair. The medical clerk of Dr. Hoven can give you the information you require.

DR. BLAKLEY: Thank you very much. I have no further questions.

THE PRESIDENT: Is there any further cross examination of this witness?

MR. GEORG FROESCHMAYER: Yes, Mr. President, counsel counsel for Viktor Gurev.

THE PRESIDENT: Will counsel's cross examination be brief or will it take longer than seven minutes?

MR. FROESCHMAYER: Mr. President, I have only a very few questions. I think three minutes would suffice.

CROSS EXAMINATION

THE PRESIDENT:

Q. Witness, you had just talked about the action in July, 1941, and the place and which could be traced back to a Hitler order;



Court No. 1

is that correct?

A. Are you talking about Action 14-5-13?

Q. Yes.

A. First of all, I was told, sir, in the concentration camp at Buchenwald, secondly, I believe that on one occasion I heard through my friend Ferdinand Rosenfeld, the medical clerk in the sick bay for prisoners, and saw through him some document to that effect.

Q. Did you, Mr. Witness, have an opportunity to see the wording of this similar order?

A. No.

Q. Did you hear about the wording of it from any other person?

A. I cannot answer your question.

Q. Did the wording of the last order come to your knowledge through your friends?

A. The approximate contents.

Q. Will you please tell the Tribunal the approximate contents of this order?

A. I shall have to say that I have very little recollection of this order. First of all, I cannot tell you exactly what the sources of my knowledge are--which I cannot recollect for certain.

Q. Well, then, can you remember that the persons had been clearly designated in that order who were now to be sent away on this transport?

A. I knew from practical experience gathered when these transports were put together that Jews and invalids were selected; that is to say, Jews and invalids of every nationality and category; in other words, political, criminal, so-called anti-social, Jehovah's Witnesses, and so forth. I do not know from documentary evidence what the detailed designations were.

Q. The last question. Where did these transports go?

A. A Schaffner who accompanied the first transport and then where half a day later returned with a few lost belongings of the victims -- he knew for the first time of the fact that this was a passing station in the north-east of Buchenwald, approximately in that direction in any case, and that this was a lunatic asylum or sanatorium. Later on we discovered that there were three sanatoriums which had been adapted for this purpose, one at Bensberg, a second one, if I remember right, near Pirna, and the name of the third I can no longer recollect.

MR. BROESCHMANN: I have no further questions, Mr. President.

THE PRESIDENT: The Tribunal will recess until 1:30 o'clock.

(A recess was taken until 1:30 hours.)

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AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 8 January 1947)

EUGEN KOCH - Resumed

CROSS EXAMINATION - (Continued)

BY DR. TIPP (For the defendant Schroeder):

Q. I still want to ask a few questions to the witness. This morning in your interrogation you have mentioned a Luftwaffe physician, Dr. Reichelt, will you please tell the Tribunal when Dr. Reichelt appeared for the first time at Block 50 at Buchenwald?

A. As far as I can remember approximately April or May 1944.

Q. What rank did Dr. Reichelt hold at that time as far as you can remember?

A. Oberstabsarzt of the Luftwaffe.

Q. If I have understood you correctly he wore the Luftwaffe uniform?

A. He wore the Luftwaffe uniform.

Q. Can you tell me to what Luftwaffe command Dr. Reichelt belonged or what Luftwaffe headquarters had sent him to Buchenwald?

A. I know that Dr. Reichelt was sent by the Hygienic Institute of the Waffen SS of Berlin to the department for typhus and virus research at Buchenwald and for the specific purpose of producing vaccine and that he, along with many others from the Luftwaffe, had been attached to the SS.

Q. Now have I understood you correctly, witness, if I say that this has not been a medical officer from the Luftwaffe but a former Luftwaffe physician who had been attached to the Waffen SS who probably, for purely technical reasons, wore the Luftwaffe uniform?

Q. My final question. Can you tell me if Dr. Reichelt through his entire activity at Buchenwald wore the uniform of the Luftwaffe?

A. He was wearing the uniform of the Luftwaffe until the very end - from the autumn of 1944 until the spring of 1945. He was making efforts to be transferred to the SS and he was hoping that he would obtain the rank of Hauptsturmfuehrer in the SS.



Q. To conclude now. Although he was wearing the uniform of the Luftwaffe, he obviously still belonged to the Waffen SS?

A. From the point of discipline he belonged to the Hygienic Institute of Berlin.

Q. I do not have any further questions.

THE PRESIDENT: Is there any further cross examination of this witness on the part of any defense counsel?

There being none, Prosecution may proceed.

REDIRECT EXAMINATION

BY MR. MCRAEY:

Q. Mr. Kogon, I am not sure that we made perfectly clear on the direct examination just how the hormone experiments were carried out. Can you explain to the Tribunal how those experiments were conducted and what was done to the experimental subjects?

A. May I ask you to put your question, the first part of your question, more precisely because you want to know how were those experiments carried out. That part has been described in detail.

Q. Did they operate on the experimental subjects?

A. The medical experiments were carried out on the experimental persons by it - by means of injection of it - by means of giving those drugs.

Q. Did they transfer glands from other persons to the experimental subjects in the homosexual experiments or did they transplant artificial glands?

A. In the case of the homosexual operations they were carried out, if I am properly informed, by operations of various types. In many cases artificial synthetic glands were transplanted. The former first mentioned operations were really of a preparatory nature, preparatory for actual operation, namely, for putting artificial glands in.

Q. Can you say whether the two persons who died, died as a result direct or indirect, from these homosexual experiments?

A. I assume that the exact information about this can be given through

the medical clerk of sick bay based on the general condition in the camp and the special condition in sick bay, as well as special conditions connected with this experiment. I believe to be entitled to the assumption that the experiment led to the death or part of the cause of the death of these two experimental subjects.

Q. Now, Mr. Kogon, to go to the typhus experiments very briefly, is it not true that reports of the typhus experiments in Block 46 were sent to the office of the Reich physician SS and Police Dr. Grawitz?

A. That is correct.

Q. And Poppendick got a copy of that report?

A. Yes.

Q. Did the typhus experiments in Block 46 continue when Ding made trips away from Buchenwald and Hoven was in charge?

A. Yes.

Q. You have mentioned the name Rooschild. Do you refer to Ferdinand Rooschild?

A. Yes.

Q. Can you say whether Rooschild is well informed on Action 14513 in Buchenwald?

A. I think I can say that any reaction connected with 14513 is known to Ferdinand Rooschild. That is because he handled the correspondence and also because he worked in the prisoners' sick bay and also because he was in close contact with the leading men of the legal cabinet administration or their representatives and deputies, and also because he is a man who would watch matters with great care.

Q. Can you also say that Rooschild is well informed on the activities of Hoven in Buchenwald?

A. Yes.

MR. McHANEY: I have no further questions.

THE PRESIDENT: Any cross examination on the part of the defense counsel as to the redirect examination by the Prosecution?

Their being none, the Prosecution may call its next witness. The witness is excused.

MR. McHANEY: The Prosecution would like at this time to call a witness to testify with respect to the activities of Dr. Eugen Kogon at Strasbourg-Datzweiler, and a small concentration camp by the name of Schirnach, with

respect to typhus experiments. We have not yet concluded our proof on the typhus experiments at Buchenwald. However, the witness whom we would now like to call to the stand is desirous of returning to Strasbourg at the earliest opportunity, and for that reason we would like at this time to call Georg Hirtz to the stand.

THE PRESIDENT: The Marshal will summon the witness Georg Hirtz to the stand.

MR. HINDY: This witness is a French citizen, Your Honor, but he will testify in German.

GEORG HIRTZ, a witness, took the stand and testified as follows:

THE PRESIDENT: The witness will raise his right hand. Will the oath be administered to the witness in French or German?

MR. HINDY: The Tribunal wants to know if the witness can take the oath in French.

THE WITNESS: Yes, I can repeat the oath in French.

THE PRESIDENT: I didn't hear the translation.

THE WITNESS: Yes, I can repeat the oath in French.

THE PRESIDENT: I understood that the witness is a Frenchman. Will the witness answer?

THE WITNESS: Yes, I am a French citizen.

THE PRESIDENT: I will administer the oath in English and it will be translated into German.

I swear that the evidence I shall give shall be the truth, the whole truth, and nothing but the truth, so help me God.

(The witness repeated the oath.)

THE PRESIDENT: Ask the witness if he does so swear.

THE WITNESS: I swear.

THE PRESIDENT: The witness will be seated.

#### DIRECT EXAMINATION

BY MR. HINDY:

Q. Witness, your name is Georg Hirtz, is it not?

A. Yes, that is correct.



Q. You spell your last name H-i-r-t-z, is that correct?

A. Yes, that is correct.

Q. You were born on July, 27, 1907, were you not?

A. Yes, that is correct.

Q. Witness, where were you born?

A. I was born in Saerbrueckenheim in lower Alsace.

Q. What is your present address witness?

A. My present address is at Erstein in lower Alsace.

Q. You are a French citizen, witness?

A. Yes, I am.

Q. Witness, will you kindly tell the Tribunal what is your educational background?

A. I went to the elementary school up to the age of nine years. From nine to seventeen years I visited the high school and junior college, and then I started in pharmacy. Afterwards I worked in a bacteriological laboratory as an assistant, and I completed my studies by graduating as a doctor of natural science.

Q. Witness, you received a degree of pharmacology at the University of Strasbourg in 1929; is that correct?

A. In 1929, I was issued my state diploma as a pharmacist, and afterwards I was given another diploma in 1933.

Q. That is, in 1923 you received the degree in pharmacy, witness?

A. 1929.

Q. Witness, what did you do after the completion of your education until the time that you were placed under arrest by the Gestapo?

A. I worked in my own pharmacy, which also included another laboratory and which also contained another testing laboratory.

Q. Prior to your arrest by the Gestapo, were you ever arrested for and convicted of any crimes, witness?

A. No, never.

Q. When were you arrested by the Gestapo?

A. On the 11th of May, 1943.

Q. Will you tell the Tribunal the circumstances of your arrest?

A. The charge against me stated because of decomposing the German military strength and of the attempt to escape.

Q. After you were placed under arrest by the Gestapo, where were you imprisoned, witness?

A. First of all I spent two or three days at the Augustine prison at Colmar.

Q. And then?

A. And then I was transferred to the concentration camp Schirmeck.

Q. Would you tell the Tribunal where the concentration camp Schirmeck is located, witness?

A. The concentration camp Schirmeck is located in the Vosges valley near the Alpine border between France and Germany.

Q. Is that within close range to the concentration camp Natzweiler?

A. The two concentration camps belong together.

Q. When you arrived at the concentration camp, what was the first duty assigned to you?

A. Well, I was locked in the bunker first of all for a period of eight days.

Q. And then?

A. And then I became a nurse at the hospital.

Q. When did you become a nurse in the hospital in the middle of May 1943?

A. I arrived on the 11th of May, and after 8 days in the bunker — therefore that was on the 20th of May that I became a nurse.

Q. In your experience as a male nurse at the hospital, Doctor, were you familiar with the activities connected with experimentation programs on human beings?

A. Yes, in the course of the week after my arrival, a transport of Poles arrived. It contained approximately 20 to 25 men. The transport arrived on a particular day which did not fall on the same day as the day

on which other prisoners used to arrive. These Poles did not arrive in the usual way and were not processed in the usual way upon their arrival. But they were immediately taken into a barrack and lock there. The barrack had been established for that particular purpose. It was a common barrack which had been divided into two sections by means of boards.

Q After the Poles arrived in the camp and were placed in the barracks, what happened to them, witness?

A First of all, the Poles had to wash their barracks several times with Lysol solution. I shall refer to this fact later on. Several days later, two German Luftwaffe physicians arrived by car, and then they were accompanied by a German woman. Then they called the Chief of the Medical Office -- it was a medical student by the name of Adler -- and I, as well as the previously mentioned Poles, and then we had to stand at attention. The camp leader and his deputy were likewise present at the formation. The camp leader, his deputy, Adler, and I were given the usual Robert Koch Institute produced vaccine, and we were inoculated with this vaccine. The 20 to 25 Poles, on the other hand, were injected in the chest muscles with a yellow-grayish liquid, which the physicians had brought along in little glasses which were sealed with cotton wool. Before receiving this injection, the Poles were not subjected to any medical examination, and all the injections were given with the same needle without any further disinfection from one person to the next. The Poles were then sent back to their barracks and the barracks were guarded; nobody besides myself, who had to bring their daily food, had access to them, and I also had to check on their temperatures.

Q Witness, when this yellow-gray fluid was injected into these Polish victims, was that the virulent virus of typhus, as you understood it, or was that a vaccine injection?

A I cannot tell you that, but there are two facts which show that the vaccine was virulent, namely, because the nurse who had contact with them had been immunized through a tested vaccine and, on the other hand, I have mentioned the fact to you that upon their arrival the Poles had to wash their barracks with a Lysol solution. This was for the purpose of killing fleas and bugs. The other section of the barracks, because as I previously told you, the barracks was divided only by a wooden partition, was specially occupied by some prisoners, and when it was discovered that the washing with Lysol had not killed all the insects, then



the other half of the barracks was immediately evacuated.

Q. Now, witness, you have told us that the Poles were taken back to this isolated barracks after these injections, completely cut off from the rest of the camp. Now, will you tell us what developed after that time?

A. I had to take the temperature of the Poles three times daily. After 36 to 48 hours, the temperature began to increase very much, to 39-40 and still higher. The reaction of the individual Poles was not always the same, which can also be explained because the people there were not homogeneous enough. They were young, partially still strong people amongst them, and there were older ones who, it could be seen, had lived in a concentration camp already for a long time. On the second or third day, I already found two corpses dead in their bunks. The fever kept on for about six to seven or eight days. Towards the end of this period, conditions of excitement and shock and fear and speaking affect, and other symptoms were found, and from that moment on I was unable to follow the experiment any further because I was relieved of my duty as a nurse and was sent to punitive company.

Q. Doctor, you cared for these Poles and took their temperatures three times a day. Now, as a result of caring for these Poles and taking their temperatures, did you submit reports on your activities in that connection and, if so, to whom did you report to?

A. The temperature report was recorded on fever charts by me in the evening and they were then handed over to the Camp Commander at his office. During this time to which I am referring, the latter must have had telephone contact with the instigators of these experiments.

Q. Did you understand that these experiments were initiated by Dr. Hagen?

A. Upon the arrival of the two physicians I was told by the prisoner, Adler, that this was Luftwaffe Oberstabsarzt Hagen and his assistant, Luftwaffe Stabsarzt Graefe. This was not the first time that they performed such an experiment at Schirneck.

Q. Now, did these reports that you turned in to the Camp Commander's office -- were they in turn forwarded to Professor Hagen?

A. Most probably; but I did not know that exactly. I only do know that sometime later, in the first days of the month of June, Hagen and Graefe again came to Schirneck and took a blood test from the Poles who had remained, as well as myself.

Q. You refer to the fact that after you left this particular barracks as a male nurse, you had heard of other experiments; can you tell the Tribunal about these?

A. I only know what my comrade Adler told me; that this was the second experiment of this kind at Schirneck.

Q. Were Hagen, Graefe or Creedel clad in the uniforms of officers of the Luftwaffe when you saw them?

A. Both of them were wearing the blue-grey uniform of the Luftwaffe.

Q. Now, witness, did you understand these experiments that were conducted upon these 20 to 25 Poles to be experiments with typhus for research, in connection with the disease, typhus?

A. Yes; there wasn't the slightest doubt in it for me, because after all at that time I had already 15 years of pharmacological activity behind me.

Q. Witness, you have stated that on the third day after the injection, two of the Poles died as a result of the experiments. Now, did you see these corpses yourself, personally?

A. Yes. I have personally tied these two corpses into paper bags and they were burned at the crematory of Hitzweiler.

Q. After these first two deaths, did any other deaths follow?

A. I could not swear to that fact, but I only know that as long as I was present at the experiment — and I was unable to see the end — there were only those two fatalities.

Q. You have stated that these experimental subject suffered from agitation for about five or six days after the vaccination, speech disorders, stammering and feelings of anxiety appeared. Now, do you know whether or not as a result of these experiments on the experimental subjects who survived, whether any ill effects resulted to their physical condition?

A. I will have to assume that these were the results of the injection, because Miller as well as myself, who had been immunized with the usual and common typhus vaccine, did not feel such reactions. These speech defects of which I have already spoken probably remained in the form of stammering with two or three Polas.

Q. Now, witness, you were later released from the Schirack Concentration Camp. On what day were you released?

A. I was released--I do not recall the exact day any more, but I was released a little more after four months after my arrival. That is approximately around the 15th of August.

Q. Why were you released, witness, at this period of time?

A. The Gestapo was corrupt and my wife had given over \$100,000 that she owned in jewelry and gold in order to be properly released.

Q. Now, witness, at the time of your release, were you compelled to sign a sworn statement that you would not disclose what you had seen, heard, or gone through during your period of imprisonment at the concentration camp?

A. I had to swear and I had to sign that under threat of life imprisonment in protective custody that I would with nobody discuss what I had seen and lived through. I do not need to tell you that such an oath was given under force and that it does not have any meaning for me.

Q. Now, witness, those 20 to 25 films that were injected at the Schirack Concentration Camp and later removed those intense fevers, did any of those people volunteer for those experiments?

A. I do not think so. The people could be very brave. They were completely locked up. Some were called and had to fall into a coma. Nobody asked them in or released if they wanted to volunteer for these experiments or not.

Q. I have no further questions.

THE COURT: Do any of the defense counsel wish to cross-examine this witness? There being no cross-examination, the Prosecution may proceed.

THE COURT: Mr. McHenry, the Tribunal is interested in knowing whether or not this witness can testify as to whether or not he knew the names of any of these officers who conducted these experiments or whether or not he knew whether they had any connections with any of the defendants of the case.



INTERVIEW BY MR. McHANEY:

Q. Witness, will you tell the Tribunal the conducted tests typhus experiments at the Dachau Concentration Camp?

A. As I have already told you, there were Luftwaffe Oberstaabsarzt and on, the Luftwaffe Oberarzt ranks, both of them were accompanied by an assistant whose name, I think, was Friedrich Grosse.

Q. That name is spelled G-O-S-S-E-S-I-S?

A. Yes, that is correct.

Q. And you understood that this Grosse was secretary to Dr. Hagen?

A. I rather had the impression that it was his assistant because it was she who prepared the hypodermic and before the injections were given and performed the usual tasks which are usually performed by an assistant.

Q. If the Tribunal please, he goes especially in the only fact which is vital to establish with this witness. The execution of one or the other of the defendants with Koch will occur at a later date. The Prosecution has no further question to put to him.

THE PRESIDENT: You may proceed. The witness may be excused.

MR. McHANEY: If the Tribunal please, I would like, at this point, to introduce Document HC-201, which will be Prosecution Exhibit 200. The Tribunal will recall that the witness has testified with respect to certain poison experiments carried out at the Concentration Camp Dachau, and you will remember that he first told us of the existence of experiments carried out in the summer of 1941, for me, in October 1943; and that those experiments were carried out in order to determine the defense mechanism of the human body against poison. He had administered poison to the victims against Koch, the concentration camp commander in Buchenwald, who was being prosecuted before the Tribunal; and that four Russian prisoners of war, I believe it was, were subjected to poison was administered to them, and that they were taken to the Tribunal and executed, after which the bodies were buried in their graves. He also told us in his testimony, which is Document HC-201

and Prosecution Exhibit 267, on Page 45 of the English, current book.  
That note is an entry of the 30th and 31st of December 1943 and it reads:  
"Special experiment on four persons in the case Koch/Hoven. In order of SS  
Group Commander Major General No. 2, the experiment was carried out in the  
presence of Dr. Harzen and Dr. Jensen." That is one of the p is a ex-  
periments charged in Paragraph 6-8 of the Indictment, and of course also  
in Paragraph 11 of the Indictment. The a are three instances of experiments  
with poison charged in that paragraph and I think it might be well if I  
just read that paragraph from the Indictment. It reads as follows:

"(2) Experiments with Poison. In or about December 1943 and in or  
about October 1944, experiments were conducted at the Buchenwald Concentration  
Camp to investigate the effect of various poisons upon human beings.  
The poisons were secretly administered to experimental subjects in their  
food. The victims died as a result of the poison or were killed imme-  
diately in order to permit autopsies. In or about September 1944, experimen-  
tal subjects were shown with poison bullets and suffered torture and death.  
The defendants Gunkel, Gohhar't, [redacted], and [redacted] are charged  
with special responsibility for the participation in these crimes."

Now the first experiment in December '43 at Buchenwald is supported  
first by the entry in the Ding Diary for the 30th and 31st of December  
1943, and also of course by the testimony which the witness Kogon has given  
before this Tribunal.

THE PRESIDENT: That was the matter assigned to this exhibit?

A. McHENRY: This exhibit is Prosecution Exhibit 267.

Now the second p is an experiment about which Kogon testified  
was the one charged in the Indictment as occurring in October 1944:  
The Tribunal will remember that Kogon stated that four persons were  
administered some secret poisonous powder by 2 pg in the [redacted], on  
2 [redacted]. His attention was then directed to the entry in the Ding Diary  
of 28 October 1944. That is on page 45 of the document which reads as  
follows: "Special experiment on six persons according to instruction of

of Oberfuhrer Lecturer Dr. Dragowsky and RFA report on this trial." The tribunal will also recall that the witness Egon testified that Ding had told him, before this witness came out in October, that he had also seen Russian prisoners shot with prison bullets at Sachsenhausen and Ravensburg, and that Ding related these two places to him and that he testified the defendant Dragowsky was there, and there was apparently some incident about one of the Russian prisoners of war trying to attack Dragowsky on that occasion.

That is the third experiment charged in the Indictment and Document Number 201, Prosecution Exhibit 290, is our proof in support of that charge in the Indictment. This is a letter from the Defendant Krugowsky directed to the Criminological Institute to the attention of Dr. Widmann. It is dated 12 September 1944 and you will recall that that corroborates in every detail the testimony of the witness Kogon since the poison experiments about which he knew in Buchenwald occurred in October 1944. This letter reads:

"Subject: Experiments with Aconitin nitrate projectiles.

"To the Criminological Institute  
attn: Dr. Widmann.

"Berlin

"In the presence of SS-Sturmabfuhrer Dr. Ding, Dr. Widmann and the undersigned, experiments with Aconitin nitrate projectiles were conducted on 11 September 1944 on 5 persons who had been condemned to death. The projectiles in question were of a 7.65 millimeter caliber filled with crystallized poison. The experimental subjects, in a lying position, were each shot in the upper part of the left thigh. The thigh of two of them were cleanly shot through. Even afterwards, no effect of the poison was to be observed. These two experimental subjects were therefore exempted.

"The entrance of the projectile did not show any peculiarities. Slightly, the articular femoralis of one of the subjects was injured. A light stream of blood issued from the wound. But the bleeding stopped after a short time. The loss of blood was estimated to having been at the most 3/4 of a liter, and consequently was on no account fatal.

"The symptoms of the condemned showed a surprising similarity. At first no peculiarities appeared. After 10 to 25 minutes a major salivation set in. Slight stupor set in, but stopped again. After 40 to 45 minutes a stronger salivation set in. The poisoned persons swallowed frequently, but later the flow of saliva became so strong that it could not even be overcome by swallowing. Foamy saliva flowed from their mouths. Then vomiting and vomiting set in. After 58 minutes the pulse of two of them could no longer be felt. The third had a pulse rate of



78. After 65 minutes his blood pressure was 90 over 60. The sounds were extremely low. A reduction of blood pressure was evident.

"During the first hour of the experiment the pupils did not show any changes. After 78 minutes the pupils of all three showed a medium dilation together with a retarded light reaction. Simultaneously, apnoic respiration with heavy breathing inhalations set in. This subsided after a few minutes. The pupils contracted again and their reaction improved. After 65 minutes the extensor and achilles tendon reflexes of the poisoned subjects were negative. The upper abdominal reflexes of the third were still positive, while the lower were negative. After approximately 90 minutes, one of the subjects began to breathe heavily; this was accompanied by an increasing motor unrest. Then the heavy breathing changed into a fast, accelerated respiration, accompanied by extreme nausea. One of the poisoned persons tried in vain to vomit. To do so he introduced four fingers of his hand up to the knuckles into his throat, but nevertheless could not vomit. His face was flushed.

"The other two experimental subjects had already early shown a pale face. The other symptoms were the same. The motor unrest increased, as such that the persons flung themselves up, then down, rolled their eyes and made coveringless motions with their heads and arms. Finally the excitation subsided, the pupils dilated to the maximum, and the abdominal reflexes disappeared. Later spasms of urination were observed in one case. Death occurred 121, 123 and 129 minutes after entry of the projectile.

"Summary: The projectile filled with approximately 38 milligrams of arsenic nitrate in solid form had, in spite of only insignificant injuries, a deadly effect after two hours. Poisoning showed 2 to 25 minutes after injury. The main reactions were: salivation, dilatation of the pupils, negative tendon reflexes, motor unrest and extreme nausea."

(Signed) HERGOLD SKY

SS-Lecturer Oberführer and  
Office Chief"

On the two attachments to the letter are pictures of the projectile which was shot into the 5 victims.

That constitutes the proof of the Prosecution on the crimes charged in Paragraph 6(K) and correspondingly in Paragraph 11 of the Indictment.

JUDGE SEHRING: Mr. McHANEY, what defendants do you consider to be proven to have been implicated by the proof which you have adduced?

MR. McHANEY: If the Tribunal please, of course the Defendant Brucowsky is, according to our judgment, implicated at a minimum in the second poison experiment and the poison bullet experiment. Those two, according to the testimony of Kogon, are related experiments. The instance of the poisoning of the 4 Russian prisoners of war to test the effect of certain drugs used by the Defendant Hoven in doing away with witnesses for the SS Court against Koch was carried out also by Ding who was the subordinate of Brucowsky. He have, in turn, charged Gonzen, Gebhardt, and Pappendiek. Of those, Gebhardt and Pappendiek were members of the same office in which the Defendant Brucowsky was active, that is to say, the office of the Reichs Physician, Grawitz. Gonzen, it is true, was in the medical department of the Laffen-SS which was subordinate to the so-called SS Sturmbannführer and not to the deceased Grawitz.

Accordingly it may be that the Prosecution will recede from its position with respect to Gensken. However, I do not, at this time, wish to go on the record in that regard. We have presented, I think, all of our evidence with respect to the crimes charged in Paragraph 6(k) and I take it that it is a matter of moment as to whom that evidence runs against. Quite clearly it runs against Dragowsky very directly and convincingly. I think, also, that it implicates Goltardt and Gopwendt if somewhat less directly because of the positions they held and also there will be additional proof with respect to Goltardt. As to his key position, as to medical experimentation in concentration camp inmates of whatever kind, I take it that if the Prosecution proves that Goltardt was in effect a camp physician without which medical experimentation in a concentration camp inmate had to be cleared, that then we have pretty directly implicated him in the whole scope of the program; and in that connection I would like to remind the Tribunal of one of the documents which went in under the Eastern Gas Experiments, one of the letters in 1944 where I think 8 persons were being requested for experimentation with a certain type of gas, and that letter included the consents and approval in part, as I remember it, of Dr. Gensken, Dr. Goltardt, and Gopwendt, and, I think, also of the other one -- Glueck of the WVHA. At that time I submitted to the Tribunal that the wording of the letter very clearly indicated that the Defendant Goltardt was in such a position that he was called upon to give his approval to the use of concentration camp inmates for medical experiments and purposes. So, if the Tribunal will permit, I would particularly like to reserve our comments with respect to the defendant Gensken on this paragraph if the indictment will be amended this time to state quite carefully the full ramifications of the program. It may be that we will not press that particular





Chart No. 1

I would like now to put into the record the rest of the Ding story, which is prosecution Exhibit 237. At the risk of repeating just a little, I am going to start on page 46, with the entry of 13 and 14 April 1943. I am quite sure that we have read that part into the record, because it deals with Alfred Grams and Rutand, two of the frogs which were used to experimentally in spreading typhus. The Tribunal will recall that the paper, written by Ding in which bears the rubber stamp of Foxpondick with his stamp of approval for publication, deals with this same subject and also some experiments. I am quite sure that was read into the record, consequently, I am starting with 27 April 1943 to 1 May 1943, text on page 46 of the English Document Book:

"27 April 43  
1 May 43

"Unit of SS-Sturmabteilung Dr. Ding ordered to Paris to prepare Laboratory material for the 'Department for Spotted Fever and Virus Research' and the Hygiene Institute."

"15 June 43

"Typhus-Therapeutic Experiment 'Otracain'"

"On suggestion of the Robert Koch Institute, Berlin (Prof Dr. (1943 43) the effect of a new 'Therapeutic' of the Rhodx series - Otracain should be tested on humans. For this purpose, 20 persons of the series 'Otracain' and 20 persons for control (10 immunized, 10 not immunized) were injected on 17 June 43 respectively on 18 June 43 with 2 cm. each of typhus bacteria in a physical salt solution, given in potato salad. Of the 40 persons, 7 got sick slightly, 23 a lot. Furthermore, there were 6 laboratory cases. 4 persons did not show any symptoms."

"26 July 43:

"Charts of case history completed of the series 'Otracain' and sent to Berlin."

"5 August 43:

"Charts and case history completed of the control series and sent to Berlin."

"10 August 43:

"Delivery of the records to RCH (Reich Higher Medical Counsellor) CHRISTIANSEN in the RMI (Reich Ministry of the Interior). The experimental series was concluded.

"1. death (control-not-immunized)."

"Spotted Fever vaccine experimental series VII.

"28 May 43:

18 June 43:

"Carrying of spotted fever vaccination for immunization with the following vaccines:

- 1) 20 persons with vaccine "Asid"
- 2) 20 persons with vaccine "Acid Adsorbat" of the Anhaltinischen Serumwerke G.m.b.H., Berlin SW 7
- 3) 20 persons with vaccine "Veigl" of the Institute for spotted fever and virus research of the supreme command, army (OKH) Braukow, (Eger).

"27 Aug. 43:

"Infection of  
20 persons of the series "Asid"  
20 persons of the series "Asid Adsorbat"  
20 persons of the series "Weigl"  
10 persons for control  
by intravenous injection of 1/4 cc each. Whole  
blood of a spotted fever sick.

All experimental persons got very serious spotted fever."

"7 Sept 43:

"Chart and case history completed. The experimental series  
was concluded.

"53 deaths (18 with 'Asid')  
(18 with 'Asid Adsorbat')  
(9 with 'Weigl')  
(8 control)"

"9 Sept 43:

"Charts and case histories delivered to Berlin.

"8 Nov 43

17 Jan 44:

High test immunization experiment with Fraenkel-Texoid

"According to an immunization plan of the Fraenkel high test  
immunization for humans, the constatability of Fraenkel-Formel-Texoid  
on humans was tested.

"At first 15 experimental persons were vaccinated in periods of  
14 days three times with incomm Fraenkel-Al.F.T. (Fraenkel-Formel-Texoid  
adsorbed in aluminum hydroxide).

"After a pause of 14 days the vaccinations with Fraenkel-Formel-  
Texoid as follows and they list the days on which additional vaccine-  
tions of typhus were given. I am sorry, that is the vaccine with  
Fraenkel-Formel-Texoid. They give the amount of injections and the  
dates they were given.

"17 Jan 44:

"Observation of vaccination reactions completed and sent away."

From 19 November, 1943 to 25 November, 1943, we have the entry in the Phosphorus Kautschuk Incendiary Bomb Experiment. That, if the Tribunal please, is charged in Paragraph 6 of the indictment and is charged against the same defendants as the previous experiment defendants, that is Herman, Gerhard and Poppendick. The witness Hagen testified about these experiments and we also introduced a report on those experiments. That is Prosecution Exhibit 288. That is the report which contains the picture shots upon the rabbits once the bombs were made of phosphorus kautschuk from the incendiary bomb and also on the forearms of human beings.

The testimony of Hagen and the entries in the Ping diary constitute the proof of the Prosecution on the charge in count six of the indictment and consequently fulfill count 11 of the indictment.

This entry of the diary reads as follows:

"19 Nov. 43  
25 Nov. 43:

"Phosphorus Kautschuk Incendiary Bomb Experiment"

"To test the preparation 'R-17' on the phosphorus bombs and to test 'Gelmacin' ointment and 'Ethiracin' ointment for the later treatment of wounds from phosphorus bombs, all from the Dr. Laumann works in Wadecoul. On 19 Nov., burning tests were carried out on five experimental persons on the above mentioned dated with phosphorus matter, which was taken from an English incendiary, found near Leipzig."

"5 Jan. 44":

"Protocol delivered to the Reich medical officer of the SS with the request to forward it to the Dr. Laumann works."



The Tribunal will recall that the witness Kogon testified that report was sent to the defendant Poppendick.

The next entry is 30-31 December 1943 and is included in the Koch/Hoyan case and I will omit reading that again.

"31 Dec 43  
15 Jan 44:

"Control of blood plasma.

"By order of the military academy of medicine, Berlin, 18 capsules of blood plasma were tested on 18 experimental persons for their compatibility on humans."

"29 Jan 44  
19 Feb 44:

"Control of blood plasma.

"By order of the military academy of medicine, Berlin, 30 more capsules of blood plasma were tested on 30 experimental persons for their compatibility on humans."

"21 Feb 44:

"Test papers sent to Reich medical officer of SS by courier. Vaccine preliminary experimental series Weimer."

"22 Jan 44  
31 Jan 44:

"To test compatibility and the immunization effect, 5 persons were immunized by three vaccinations with spotted fever vaccine "Weimer" (Producer: Hygienic Institute of the Waffen SS, Department for spotted fever and virus research)

On 22 Jan 44 0.5 cc  
On 27 Jan 44 1.0 cc  
On 31 Jan 44 1.0 cc were injected.

"Subcutaneous in the left and the right upper arm respectively."

"25 Feb 44:

"20 persons (15 immunized and 5 for control) were infected by subcutaneous injection of 1/20 cc spotted fever sick fresh blood.

"Donor: G... Nr. 713, 36 years old (5th day of sickness)  
Stamm Bu IV/ Passage 13

"All these infected fell sick with slight to serious spotted fever"

8 Jan-A-III-17-2c-Meehan-JP  
Court I

"5 Apr 44:

"Court and case history completed."

"25 Apr 44:

"The experimental series was concluded:

5 deaths (1 Acid)

(1 Weimar)

(3 control)

THE PRESIDENT: The Tribunal will now recess.

AFTERNOON SESSION

(The hearing reconvened at 1520 hours, 8 January 1947)

THE DEPUTY MARSHAL: All persons in the court-room will please find their seats. You will all rise.

(The judges of the Tribunal enter)

THE DEPUTY MARSHAL: MILITARY TRIBUNAL NO. 1 is again in session.

MR. McHANEY: I continue with the presentation of the DING diary, and we are now up to the entry of 8 March 44 to 18 March 44, appearing on page 49 of the English Document Book:

Spotted fever vaccine experimental series VIII (eight)

Suggested by Colonial Medical Corps of the air-corps, Prof ROSE  
(Coast Art)

MR. McHANEY: But here, if I may say, parenthetically, is the entry in the DING diary concerning the series of experiments suggested by the Defendant Rose. This was also dealt with at some length by the witness KOGAN. And we see, as a result of this situation on the part of the Defendant Rose, that the experiments were actually carried out, and resulted in the death of six (6) human beings. And, I should also like to add, that at this time, the Defendant Rose was subordinated to the Defendant Schroeder, who, by this time, was Chief of the Medical Luft-waffe, since he had replaced Hippke on the 1st of January 1944, and accordingly, he also is responsible for this series of experiments.

"26 May 44- Withdrawal of blood to produce spotted fever convalescent  
16 June 44 serum.

MR. McHANEY: Which is abbreviated by the letters "F.V.R.S."

To produce FVRS, 500 cc blood were taken from 15 spotted convalescents between the 14th and 21st day after the fever had subsided, and sent by courier to the SS main headquarters (SS Führungshauptamt), departmental group (Antskruppe) D, department (Amt) X VI (blood conservation) Attention: SS-Hauptsturmführer (Capt) Dr. ELLIENBECK - Berlin, Lichtenberg.

And, I would remind the TRIBUNAL that the defendant GENZKE was at this time, and throughout the whole course of these experiments, Chief of

"(Antegruppe) D", and, consequently, these experiments were carried out under his jurisdiction.

The TRIBUNAL will recall that the witness KOGAN testified that some of these convalescents died, and that in his judgment, it could not be determined whether the deaths resulted from the TYPHUS experiments to which they were subjected or to the withdrawal of blood which produced this serum:

22 May 44-  
15 Jun 44

By order of the military academy for medicine, Berlin, 44 capsules of blood plasma were tested on 44 experimental persons for their compatibility on humans.

19 Jun 44:

"Test protocol sent to the highest hygienist" That "highest hygienist", of course, is defendant GEMZKEN and the "Blutserum-Konservan)" the Medical Academy of Berlin, which of course was the organization under the direction of the Defendant LANDISER. And here again, on these blood plasma experiments, the witness KOGAN testified that the persons died as a result of the shock, when this whole blood plasma was administered to them.

19 Jun 44:

"Test protocol sent to the highest authority of the Reich medical officer of the SS and police, Berlin.

Ding

Spotted fever vaccine experimental series IX

17 July 44-  
21 Jul 44:

The spotted fever vaccine "Weimar" produced by the Department for spotted fever and virus research of the Hygiene Institute of the Waffen SS, Weimar, Buchenwald, was tested according to orders for its compatibility on humans.

This vaccine was produced from rabbit lungs according to the method Durand-Girard. It contains virus (Rickettsia Browarzi) of self-isolating type 1 and 2 and bleated with 2/00 formal.

20 persons were immunized on the following dates with 1 cc each



17 July 1944  
22 July 1944  
27 July 1944

The vaccinations were made subcutaneous on the right respectively  
the left upper arm.

For comparison 20 persons were immunized at the same time with  
vaccine "Weigl", produced from lice by the army supreme command (OKW) in  
Crakow according to regulations.

Furthermore, 20 persons were considered for control.

6 Sept 44:

The 40 experimental persons were infected by subcutaneous injection of 1/10 cc spotted fever sick fresh blood each into the right upper arm.

41. persons fell sick as follows:

- |    |          |  |
|----|----------|--|
| a) | "milder" | 9 slightly<br>7 Slightly medium<br>4 medium    |
| b) | "sigl"   | 8 slightly to serio<br>8 medium<br>6 seriously |
| c) | Control  | 1 medium<br>19 Seriously                       |

17 Oct 44:

The experimental series was concluded.

4 Nov 44:

Chart and case history completed

24 deaths  
(5 "sigl")  
(19 Control)

MR. McHENRY: The translation notes the signature of "Dr. Kluber". That, of course, should be "Schwartz".

"Withdrawal of blood to produce Spotted Fever convalescent serum (PPRS)"

13 Oct 44:

31 Oct 44:

To produce PPRS, 20.6 liters blood were taken from 44 spotted fever convalescents between the 14th and 21st day after the fever had subsided, and sent by courier to the SS main headquarters (SS Fuehrer and notant) Department group (Abteilung) D, Department (Amt) XI (blood conservation) SS Stabsarzt (major) Dr. ELMERACK, Berlin-Lichterfelde.

Kluber

26 Oct 44:

Special experiment on 6 persons according to instructions of SS-Oberhaupt & Lecturer Dr. KRUGOSKY and RKP (Report on this 11/15).

Therapeutic experiment with spotted fever vaccine:

13 Nov 44:

By order of the highest Hygienist of the Waifon SS of 12 Aug 44, is to be determined whether the course of spotted fever sickness can be tempered by the intravenous or intramuscular injection of spotted fever vaccine.

For the experimental series 20 persons were considered, of these 10 for intravenous injection (Series A), 10 for intramuscular injection (Series B) and in addition 5 persons for control.

"On 13 November 44 the 25 experimental persons were infected by subcutaneous injection of 1/10 cc each spotted fever sick fresh blood.

"All persons fell sick of follows: series A: 10 serious, Series B: 1 medium, 9 serious, Control : 5 serious.

22 December 1944. The experimental series was concluded.

"2 January 45: Chart and case history completed. 19 deaths (9 series A, 6 series B, 4 control,)" that highly successful experimental series ordered by the Defendant Krugowsky killed nineteen out of the twenty-five persons experimented upon. This concludes the very illuminating Ding diary, and I think while perhaps the report submitted to the Tribunal in connection with the Freezing experiments give one of the shortest accounts in criminal history of seven murders—you will remember that they were shown in an appendix attached to the report—certainly this Ding diary gives us one of the most detailed reports of the murder of a large number of helpless human beings, and I think it would be appropriate at this point to sum up what the Ding diary shows. It is a little difficult at times to be quite sure of the results reported in the Ding diary. We sometimes cannot tell what the precise results of this or that experiment was, but a capitulation which I have had made on this diary shows that in the typhus experiments from the fifth of January, 1942, through the last entry in the diary to the second of January, 1945, no less than 729 persons were experimented on with typhus and were infected with virulent typhus. As a result of those experiments no less than 154 of those persons died as a result of those typhus experiments, and I wish to make clear, as testified to by the witness, Kogon, that those figures which I have just read off do not include those unhappy people who were selected and infected with virus simply to be sure that a living virus was available to the persons conducting those experiments or infection in the typhus experiments themselves. I think Kogon described those as the "passage group", and tribunal will recall that he stated that between three to



five persons were selected each month from the period of his entrance in Block 50 in April, 1943, until March, 1945, for the simple purpose of infecting with a living typhus virus so that infection material would be continuously available in human blood for the further infection of people in the vaccination typhus experiments.

That means that we would have to add to the death toll of

154 persons a figure between ninety and one hundred twenty additional people who died as a result of the so-called virus passage experiments since Kogon testified that between ninety and ninety-five persons died as a result of the typhus infection.

On the yellow fever vaccine experiments which are reported on page 42 of the English Document Book under the date entry of 10 January 1943 a very large number of people were experimented on with yellow fever. The results of this experiment are not stated in the diary, the notation being at the end of the entry: "Production abandoned because of Military situation. Of course, what they were saying there was that the German Armed Forces were losing out in North Africa, and that, consequently, the need for a yellow fever vaccine was no longer critical. The ambitious war lords of Germany, of course, expected to have their soldiers in Dakar and in the western approaches of North Africa where yellow fever is extremely prevalent. Of course, that explains the reason why they showed such a keen interest in yellow fever vaccine.

The small pox, typhus, typhoid A and B, that is, paratyphoid, cholera, spotted fever and diphtheria experiments reported under an entry of 24 March 43 to 30 April 43 tells us that 45 persons were subjected to these experiments with the result not stated.

The incendiary bomb experiment performed, as the diary stated, upon five persons, the entry being that of 19 November 43 to 25 November 43, with the result not stated. However, the witness, Kogon, enlightened us on that subject and described rather vividly the suffering of the persons that were subjected to this experiment. He stated, that they are still bearing the scars as a result of those burning tests.

The two poison experiments reported in the diary of the 30th of December '43, and the 26th of October, '44, show that ten persons were experimented upon, and the witness, Kogon, has testified that all ten either died as a result of the poison or were immediately killed in order to perform autopsies upon their bodies.

This exhibit does not include the persons who were involved in the old blood plasma experiments on behalf of the defendant Handloser's military medical academy or the withdrawal of blood from typhus convalescents for the purpose of making a serum, which was done for Department D of the SS Fuehrungshauptamt, headed by the defendant Gentsken, nor does it cover the withdrawal of blood in the "little camp" to make blood plasma, where, as the witness, Kogon, stated, the inmates were dying like rats.

At this time the Prosecution would like to have the witness, Kirchheimer, called to the stand.

JUDGE SEHRING: What is the nationality of this witness, Mr. Hardy?

MR. HARDY: German nationality.

JUDGE SEHRING: All right.

FRIEDRICH KIRCHHEIMER, a witness, took the stand and testified as follows:

BY JUDGE SEHRING:

Q. You will stand in your place at the witness chair, hold up your right hand and be sworn, repeating after me:

I swear by God, the Almighty and Omnipotent, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

JUDGE SEHRING: You may be seated.

#### DIRECT EXAMINATION

BY MR. HARDY:

Q. Witness, your name is Friedrich Kirchheimer, is it not?

A. Yes.

Q. Your last name is spelled K-i-r-c-h-e-i-m-e-r?

A. Yes.

Q. You were born on 10 March 1911?

A. Yes.

Q. Where were you born, witness?

A. In Heilbronn on the Neckar.

Q. You are now German citizen, witness?

A. Yes.

A. Yes.

Q. Would you kindly tell us what your present address is, witness?

A. Frankfurt on the Main, Offenbacher Landstrasse 543.

Q. Did you attend the public schools in Heilbronn?

A. Yes.

Q. When did you complete your education?

A. 1925.

Q. Would you kindly tell the Tribunal, witness, what you did from 1925 after the completion of your education until you were arrested by the Nazis and imprisoned?

A. For a short time I visited a commercial school, and then in 1926 went to South America. From there I went to the United States where I dealt with skins. In 1932 I returned to Germany. I became a buyer for a department store, and I was dismissed from the department store in 1935 because of the Nurnberg laws. Until my arrest I lived by selling leather goods.

Q. Witness, during all this period of time your major occupation was that of a salesman of leather goods?

A. Yes.

Q. Now, witness, prior to your arrest by the Nazis in 1936, were you ever before that time either in Germany, South America, or the United States in the custody of the police?

A. Yes.

Q. When was that, witness?

A. That was in 1928.

Q. Where?

A. Chicago.

Q. How long were you in the custody of the police, witness?

A. For twenty-four hours.

Q. Will you kindly tell the Tribunal the reason why you were in the custody of the police in Chicago?

A. At that time there was prohibition and I was arrested by the police in a drunken state.



Q. Thank you, witness. Now, witness, when were you placed under arrest by the Nazis?

A. On the 29th of December, 1936.

Q. What was the reason given for your arrest, witness?

A. Racial violation.

Q. You are a Jewish witness?

A. Yes.

Q. After your arrest by the Gestapo in December, 1936, where were you first imprisoned?

A. In the Gestapo prison in Cologne.

Q. How long did you remain in that prison, witness?

A. Seven months.

Q. Then where were you transferred to?

A. Then for six months I was in Wittlich on the Mosel.

Q. And then?

A. And from there I went to Hainsmoor in Schleswig-Holstein, and from there in 1936, December, 1936, --or no, rather December, 1938, to Buchenwald.

Q. And you remained at Buchenwald until the liberation by the Allied Forces in April, 1945, witness?

A. From the 11th of April, 1945, I was liberated by the Americans in Buchenwald.

Q. Therefore, you were an inmate of the Buchenwald Concentration Camp for a period of exceeding six years, witness?

A. Yes.

Q. Now, witness, when you arrived at the Buchenwald Concentration Camp, what was your first duty?

A. As a racial violator I was sent to the punishment company where for nearly three years I had to work in the quarry carrying stones and breaking them.

Q. After the end of three years working in this stone quarry, the punishment company, did you then receive a new assignment?

A. After being released from the punishment company, I became the so-called orderly in the hospital.

Q. How long did you remain as orderly in the hospital barracks?  
Until being transferred to Block 47. I beg your pardon. I meant to say Block 49 and 44.

Q. Then about the beginning of 1942, in the first months of 1942, you were transferred to Blocks 44 and 49?

A. Yes.

Q. In what capacity did you serve in Blocks 44 and 49?

A. I was attendant at the bath room.

Q. Now will you tell the Tribunal what Blocks 44 and 49 were, witness?

A. Block 44 and 49 was an experimental station for typhus experiments.

Q. Did this experimental station in Blocks 44 and 49 later move to Block 46, witness?

A. After a short time Block 44 and Block 49 was sent to Block 46.

Q. Who was in charge? Who was the officer in charge of Block 46, witness?

A. Sturmbannfuhrer Ding-Schuler.

Q. Did he have any assistant doctors under him?

A. His deputy was Dr. Haven.

Q Now, witness, in your capacity as a nurse in Block 15, were you in a position to know, that is, from your own knowledge that experiments were being conducted on human beings in Block 15?

A Yes.

Q What type of experiments were being conducted, witness?

A Experiments were being conducted with typhus, yellow fever, and infections with lice were carried out.

Q Now, these infections with lice, witness, did you ever witness any inmates at Buchenwald Concentration Camp being subjected to the infection with lice?

A Yes.

Q Will you kindly tell the Tribunal what you saw at Block 15 in connection with the infection of inmates with lice?

A A courier brought the lice into Block 15. The inmates were sent into their wing in a naked state and then had to sit down, and they were shackled. Then the lice boxes were placed onto their legs with rubber bands.

Q How long did those inmates remain in that position, witness?

A Approximately twenty minutes.

Q And, you say, witness, that you personally saw, yourself, that these inmates were chained to the chair so that their cages of lice were attached by rubber bands to their legs; is that correct?

A Yes.

Q Did you ever see any inmates being infected by any method other than with lice, witness?

A Yes.

Q What method was that?

A They were infected in the upper arm.

Q And were they infected with, witness?

A They were infected with typhus, typhus culture.

Q Did you ever witness any of these inmates being subjected to infections with infected blood?

A. Yes, by controlling, I saw such injections being carried out.

Q. Now, witness, you have told us that inmates were infected with live. You said that a courier brought these lice to Block 46 in Buchenwald. Do you know where those lice came from?

A. According to what the courier said, these lice came from Krakow. The couriers came along and rang the bell in the Block 46. I opened the door and they gave me the packages, and then remained for a few minutes smoking cigarettes.

Q. Now, witness, when these inmates were being infected with lice and were chained to their chairs, who was present at that time?

A. There were present: The Capo Dietsch, Doctor Hoven, and one officer of the Wehrmacht.

Q. Was Doctor Ding-Schuler present, witness?

A. No.

Q. Now, witness, as a result of these experiments, these injections, which you, yourself, saw: do you know whether or not any of the inmates subjected to these experiments died as a result of them?

A. During my time in Block 46, I saw approximately twenty persons dead.

Q. Now, witness, you say you saw these people die. Were you in a position, personally, to see the dead after such experiments had been conducted?

A. Yes.

Q. Were your duties as a nurse directly connected with the care of the inmates subjected to these experiments?

A. I had the task to bath the inmates, to care for their belongings, and I therefore had access to every ward.

Q. Now, witness, you stated you had to care for their belongings as well as taking care of them physically. You were in a position to determine what type of prisoners were being subjected to these experiments, were you not?



A. There were all sorts of prisoners.

C. Can you tell us, witness, what procedure was carried out when

a

victim was brought to the Block 45 to be experimented on; that is, did the victim first report to you and surrender his clothing? Tell us the entire details of what happened to the inmates upon their arrival in Block 45?

A After the inmates arrived at Block 45, they had to undress completely. I noted down their personal effects and noted their personal data, and then the inmates were bathed and received clean pajamas and were then brought into the ward rooms.

Q Now, witness, you stated that you wrote down their personal data from the inmates; therefore, could you tell the Tribunal whether or not any Polish people were used in these experiments?

A Every sort of prisoner was used for these experiments.

Q That is, all nationalities, witness?

A All nationalities.

Q Now, witness, were political prisoners used for these experiments, from your knowledge, in connection with your duties?

A Yes.

Q Were criminal prisoners used?

A Yes.

Q Now, were you able to determine, witness, whether or not these criminal prisoners used in these experiments were criminals condemned to die or to death for crimes they committed?

A Yes.

Q Were any of these criminals used, that were, in fact, condemned to death?

A No.

Q Now, witness, you have stated in your time that you saw twenty deaths. Now, after a person died what happened to him? Did you have any connection with the corpse after completion of the experiments?

A The corpse was taken into the bath room, I then had to write his number on his arm with ink, and then, and then had to deliver his personal belongings to him after the corpse was laid on a stretcher and sent into

the morgue of the hospital.

Q And, you say, witness, that you personally, yourself, wrote a number on the dead person?

A Yes.

Q That you had twenty or more of such experiences; is that correct?

A I could not give you the exact data but there were at least twenty persons.

Q Now, witness, you arrived in Block 46, in other words, were assigned to duty in Block 46, in early 1942; is that correct?

A Yes.

Q Did you then later receive a reassignment for duty in Block 50?

A Yes.

Q When did that occur, witness?

A That was early in 1943 when I received the task to start in Block 50 with the Gaps there.

Q Then, you remained in Block 50 until your liberation in April 1945; is that correct?

A Yes.

Q In your position within the concentration camp did you see the defendant Hoven?

A Yes.

Q Will you look over to the dock and identify Hoven, witness?

A The fourth from the left in the last row.

Q Would you stand up, witness, and walk out here to the middle for identification purposes?

(Witness walks to the floor.)

A The fifth one.

Q All right, witness, you may be seated.

MR. CLARK: I request, your Honor, that the record show the witness properly identified the defendant Hoven.

THE PRESIDENT: The record will show that the witness identified the

defendant Hoven in the dock.

Q Now, witness, during your time in Block 46, do you personally know of any visits of a Doctor named Mrugowsky?

A Mrugowsky was there on at least two occasions, there in Block 46 -- once in Block 46 and later in Block 50; that is twice as far as I know.

Q Did you see him yourself on any of the visits to Block 46?

A I did not really see him in Block 46.

Q Where did you see him, witness?

A In block 50.

Q What was the occasion when you saw him? Did he come to your office, or where you were stationed, or did you happen to see him casually, or under what circumstances?

A As the orderly in Block 50 for Sturmbannführer Dr. Schuler, I had to serve coffee, whenever Dr. Mrugowsky was there for a visit.

Q Now, witness, do you believe that you could recognize Dr. Mrugowsky in the dock?

A No.

Q You don't think you could recognize him?

A No, so many things have happened to me that I do not think that I could remember Mrugowsky's face and that I could identify him properly.

Q Then, now do you know that Mrugowsky visited Buchenwald? Were you told that that was Dr. Mrugowsky, or was he a famous person and when he came he was much talked about?

A Whenever in Block 50 or 46 a visitor arrived, a few days before that we were told to keep everything clean and in order to make the best impression on the visitor. Sturmbannführer Schuler gave me the order to keep everything in order and sparklingly clean for the occasion of a visit of Mrugowsky.

Q Now, witness, in your work at Buchenwald, did you have a close relationship to the defendant Heven, whom you have just identified?

A Personally I did not have very much to do with Dr. Heven.

Q Did he visit Block 46 often?

A Yes, very often.

Q Was he in charge of Block 46 whenever Dr. Ding-Schuler went on a trip?

A Yes.



Q. And on such occasions were the experiments still going on?

A. The experiment was still carried on, whether Sturmbannfuhrer Dr. Schuler was there or not.

Q. That is, experiments were being conducted when Dr. Hoven was in charge of Block 46, in the absence of Dr. Ding? Is that correct?

A. Yes.

MR. HALEY: I have no further questions, Your Honor.

THE PRESIDENT: Does any of the Counsel for the defendants desire to cross examine this witness?

#### CROSS EXAMINATION

BY DR. FLESHING (Counsel for defendant (Krugowsky)):

Q. Witness, would you describe to the Tribunal in what manner the bathing installation in Block 46 or before in 44 and 49 was operated?

A. The bathing installation was very primitive. For the very first experiment — there were approximately 60 or 80 experiments — we only had one basin with one shower. Since our boiler was heated by means of coal, it was hardly possible to bath all patients as regularly as should have been done.

Q. So, you did not bath all patients but only a part of them?

A. I bathed all the patients, but not always in the prescribed period when it should have been necessary.

Q. You were speaking about yellow fever experiments, witness.

A. Yes.

Q. After the vaccinations, did any persons receive yellow fever?

A. Yes, some of them became ill. The yellow fever experiments, as was told me by Capt. Arthur Distach and the clerk, were soon discontinued because, apparently, they did not show the wished for results.

Q. How do you know, witness, that in the case of the yellow fever experiment—which you have described as an experiment—we are really concerned with experiments and not just with protective vaccinations?

A. The Capt. of the block and all nurses told me that during the course of conversations. In addition, I had insight into the case histories.

which were always made in three copies by one inmate.

Q. And what was said in these case histories?

A. Experiment, Series Such and Such. I cannot recollect the exact designation, since as a nurse and orderly I had nothing directly to do with these experiments.

Q. And your statement that these were not protective vaccinations is based merely on what you have been told by others?

A. No. I saw patients lying in bed, infected with fever.

Q. With fever, but do you know whether these patients had yellow fever or whether this was just a reaction after the vaccination?

A. I cannot say that with certainty.

Q. Then you only know that these patients had fever?

A. Yes.

Q. Do you know whether, after these yellow fever vaccinations, blood tests were made on these persons?

A. No.

Q. That is not known to you?

A. No.

DR. FLEMMING: Thank you. I have no further questions.

THE PRESIDENT: Any other cross examination on the part of Defense Counsel?

DR. GAMLIK: Dr. Gawlik, on behalf of the defendant Hoven.

THE PRESIDENT: I'll ask Counsel how long his cross examination will probably continue.

DR. GAMLIK: Perhaps ten or fifteen minutes.

THE PRESIDENT: The Tribunal will now recess until 9:30 o'clock tomorrow morning.

(The Tribunal recessed until 0930 hours, 9 January, 1947).

Corrected Copy

Official Transcript of the American Military  
Tribunal in the matter of the United States  
of America, against Karl Brandt, et al,  
defendants, sitting at Nurnberg, Germany,  
on 9 January 1947, 0930, Justice Seals presiding.

THE MARSHAL: The Honorable Judges of Military Tribunal I.

Military Tribunal I is now in session.

God save the United States of America and this Honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, will you ascertain that the defendants  
are all present in the courtroom.

THE MARSHAL: May it please Your Honor, all the defendants are  
present in the courtroom.

THE PRESIDENT: The Secretary-General will note for the record  
the fact that all the defendants are present in the court.

Because of transportation difficulties one of the judges is late,  
we will not proceed with the taking of testimony, but the court has  
an arrangement to make and we will proceed with that.

In the better of the need for an established procedure for obtain-  
ing written statements from persons having knowledge of facts deen-  
ed by the defendants to be material and of probative value to their  
respective defenses having been called to the attention of the  
Tribunal, and the members of the Tribunal having met with representa-  
tives of the prosecution and with a committee of defense counsel,  
and thereafter the representatives of both the prosecution and  
counsel for the defendants having presented to the Tribunal a  
written and signed outline of a method mutually satisfactory to  
the prosecution and to the defendants' counsel, whereby written  
statements should be administered if of probative value and other-  
wise in conformity, be offered in evidence before the Tribunal and  
received in evidence if in the judgment of the Tribunal they should  
be received, notwithstanding the fact that such statements may be  
signed by the person making the same without having been sworn to  
before an officer or any person having by virtue of an office lawful  
authority to administer an oath in due form of law.

The Tribunal has considered the written stipulation signed by representatives of the prosecution's staff and by representatives of counsel for the defendants and desires the following order in connection with the subject matter thereof: First, it is ordered by Military Tribunal 1 that the rule heretofore promulgated and adopted by the Tribunal concerning the requirements to be observed by the defendants in the preparation of written statements by defense witnesses "in lieu of oath" be and the same is hereby rescinded. Second, it is further ordered by Military Tribunal 1 that the following rule concerning the subject matter above referred to shall be, and the same is hereby adopted and "promulgated by the Tribunal for the information of all concerned."

1. Statements of witnesses made "in lieu of an oath" may be admitted in evidence if otherwise competent and admissible and containing statements having objective value if the following conditions are met.



Para No. 1

1. The witness shall have signed the statement before defense counsel, or if there is no defense counsel, before a notary; or

2. The witness shall have signed the statement before a notary, and the notary shall have certified thereto; or

3. The witness shall have signed the statement before a burgomaster, and the burgomaster shall have certified thereto, in case neither defense counsel nor a notary is readily available without great inconvenience; or

4. The witness shall have signed the statement before a competent judicial authority, and such authority shall have certified thereto in case the witness is incarcerated in a prison camp.

5. The statement "in lieu of an oath" shall contain a preamble which shall read, "I, (name of the witness), after having first been sworn that I will be liable for punishment for making a false statement in this statement, state as follows that my statement is true in lieu of an oath, and I hereby submit it for submission as evidence before Military Tribunal 1, Palace of Justice, Nuremberg, Germany, the following:"

6. The signature of the witness shall be followed by a certificate which shall read: "The above signature of (state the name of the witness) is hereby certified by (state the name of the identifying person or officer) is hereby certified and witnessed by me. (To be followed by the name and place of the person or officer who certifies the signature and witness of the person or officer certifying to this statement.)"

(c) 1. If special circumstances make compliance with any one of the foregoing impossible or unduly burdensome, then defense counsel may apply to Military Tribunal 1 for a special order providing for the taking of the statement of a desired witness under such conditions as may be acceptable in a specific instance.

Finally, it is further ordered by Military Tribunal 1 that the foregoing rules be adopted as amendments to the Tribunal's procedures in the case of the taking of statements in the journal of Military Tribunal 1, and that a copy thereof,



Court No. 1

to be with correct translations thereof into the German language, properly certified by the Secretary General, be delivered to each of the defendants or their respective counsel.

Q. Prosecution may now proceed.

R. HARRY: Defense calls 1 for the defendant Hoven was cross examined at the recess yesterday. I wonder if he has completed his cross examination.

THE PRESIDENT: Any further cross examination of this witness by any defendant's counsel?

FRITZ KIRCHHEIMER - Hoven's

CROSS EXAMINATION (Continued)

BY MR. GORTER: (Counsel for Defendant Hoven):

Q. Witness, I am submitting to you Document No. 205. It is the entry of the Division for Typhus and Virus Research at the Hygiene Institute of the office SS. It is at Page 40 of the English Document Book. Witness, did you find the entry of the 11th of February, 1942?

A. Yes.

Q. It is on the 30th of November 1942. It is at Page 40 of the English Document Book. Did you find that, Witness?

A. Yes.

Q. You see an entry there that "the lice on their cages must be kept absolutely, as the latter become likely during transport and therefore danger of epidemic in Camp Buchenwald."

A. Yes.

Q. With reference to this burning of the lice, I have one question. Did Philip Hart, didn't you?

A. Yes.

Q. You also know the chief nurse at the TBC station, Willie Jollinek, didn't you "Juno"?

A. Yes.

Court No. 1

Q. Do you know that Hart and Jellinek informed the Defendant Hoven  
of the delivery of the lice and asked him to prevent using these lice for  
the same?

A. No.

Q. Do you know that the Defendant Hoven appeared in Block 46 where these cages with three thousand lice were contained?

A. Yes.

Q. Did you at that time listen to a conversation between political inmates and the Defendant Hoven where it was said that these cages were leaky and that, therefore, these lice would have to be exterminated?

A. Yes. I remember that conversation. It was with the clerk, Liebrand.

Q. And do you know that after that the Defendant Hoven burned these lice in the oven of the big room which was before the tailor and shoe shop?

A. No. Dr. Hoven didn't burn them himself.

Q. Do you know then — well, I want to put to you another question first. But you do remember that this conversation with reference to the burning of the lice was carried on with the Defendant Hoven?

A. Well, the matter was as follows: Liebrand and another few men, amongst them, I, knew of the pain which these people experienced.

Q. Witness, you probably are mixing up something. Lice was sent on two occasions. Please take a look at this diary.

A. I was only once present when these lice were used.

Q. And what you have told me up to now only referred to an incident with lice, lice that have actually been used?

A. Yes.

Q. Do you know that before these lice were applied, another delivery of lice had arrived which was completely destroyed?

A. No.

Q. And now I am coming to the second delivery of lice of which you know, during which part of these lice were actually applied. Do you know that these lice were taken by a technical inspector of the Army who was supposed to supervise these lice and the way they were used?

A. I cannot say with certainty whether this officer of the Armed

Forces was actually a technical officer or not. He brought these  
lice along accompanied by two couriers who after these lice were  
delivered left the block. However, the officer remained.

Q. Do you know that this officer or inspector -- it makes no  
difference --

was supposed to supervise the way these lice were applied?

A. I don't know whether he was supposed to supervise it. At any rate, he was present.

Q. Do you know that Ding knew and was informed of the arrival of this lice contingent and that he ordered the execution of this experiment?

A. No.

Q. Do you know anything about an agreement between the political inmates and in particular Gellinek with the Defendant Hoven to the effect that this technical inspector or officer was to be removed in order to be able to apply these lice once more?

A. As at that time Gellinek had no access to Block 46.

Q. Well, he didn't have to have access to Block 46. This agreement was made outside Block 46, and contact was made with the motor pool, and this officer or the technical inspector was given a motor car, and he was then told that "Here is a car for you, and if you are not willing to take this car, you have to walk to Weimar, which was ten kilometers away. Do you know anything about that?"

A. I know that this officer approximately at the middle of the experiment left Block 46. I know nothing about an agreement with Gellinek.

Q. But you can confirm that this officer left the Block at the middle of the experiment?

A. Yes.

Q. Do you know that at the time the Defendant Hoven entered the room where these experiments were conducted, the Capo Dietsch had already applied these lice to the larger part of the experimental subjects?

A. I can remember that about six persons had already received these lice.

Q. Couldn't there a little more? Couldn't it be the case that there were two rows of people, that there were two rows of chairs where the inmates were sitting, and the row had already been finished with, and then the Capo Dietsch had already arrived at the second row?

A. It was quite impossible for one row to be finished already since

the row was always set out opposite to another.



Q. But you remember that six persons were approximately finished with?

A. Yes, approximately.

Q. Do you know that the Defendant Hoven after entering the room could determine that among the experimental subjects there was one political inmate by the name of Nacht?

A. Yes.

Q And did the Defendant subsequently order immediately that this political inmate Nacht was to be sent away?

A Yes.

Q You already told me, witness, that the inspector left the room during the experiment?

A Yes.

Q Is it correct that the Defendant Hoven immediately thereafter gave the following order: "Take the lice away; burn the cages"?

A No. After these lice were applied, we discussed the best way to remove these lice.

Q Excuse me. Who do you mean by "we"?

A It was the clerk, Leibbrandt, a nurse whose name I don't remember, and I, and we decided that one such case was to be destroyed, that the lice were to be put into a basin, and then to go to Dr. Hoven and tell that this meant a danger for the entire camp, and that it would be much better to burn these lice. This was actually done in the C-Wing of this Block.

Q I am now coming to another point. Is it correct that the Defendant Hoven never actually had an injection needle in his hand for vaccination?

A I never saw that.

Q Is it correct that the Defendant Hoven never conducted any infections on experimental subjects?

A No, not he himself.

Q The Defendant Hoven admits that he was present in Block 45 every day. He maintained, however, that he visited the tailor and shoe shop which was there, in particular Joseph Knittel, who was employed there. We are concerned with Josef Knittel who was to be sent away on transport and was hidden by the Defendant Hoven in the workshop located there, is that correct?

A Yes. It is correct that Knittel worked there. However, I know nothing about these connections with reference to the transport of

Enittel.

Q And how about the visits of the Defendant Hoven into this workshop?

A Yes. Dr. Hoven repeatedly visited Block 46. With the exception of two occasions he only visited the tailor and shoe shop.

Q And if I understood you correctly, witness, that the Defendant Hoven only visited the hospital ward on two occasions.

A. Yes. I only saw him visit the ward on two occasions.

Q. And now will you please tell the High Tribunal how long you were in Block 46?

A. I remained in Block 46 until the beginning of 1943, and I was then transferred to Block 52, that is, Spring, 43. At that time Block 50 had not been furnished yet, and I had to furnish it.

Q. Then how long exactly were you in Block 46?

A. From the time leaving Block 49.

Q. Well, give me the exact date, about one year and a quarter?

A. Yes.

Q. That is really from the end of 41 until the beginning of '43, and during that period you only saw the Defendant Hovak on only two occasions in the hospital ward?

A. Yes.

Q Is it correct that the Jewish inmate, August Kohn, was employed there as a nurse?

A Yes.

Q Do you know that the defendant Heyen and others transferred this August Kohn, and a few other Jews in Block 46, since they were supposed to be transported to Auschwitz?

A Yes.

Q Do you think it is possible, witness, that the two or three visits of which you spoke, the visits in the ward room, were intended for this purpose of Dr. Dietsch towards August Kohn?

A I can not say that since I was not present personally in the room.

Q However, you can not exclude the possibility?

A Yes, it could have been possible.

Q Is it correct that the Dr. Dietsch acted completely independently?

A In the organization of the Block 46 he had a free hand. However, he conducted his various experiments without the approval of any of the responsible physicians. He was an executive organ.

Q Do you know that the defendant Heyen only because of requests of the political inmates was nominated as being their representative?

A Yes.

Q You didn't know that?

A Yes.

Q Furthermore, you stated that there was only one train in the warehouse, and one slaughter, and that, therefore, you could not remove the inmates of the inmates in the prescribed periods.

A Yes.

Q And finally, do you know that this was the prescribed



Q For the purposes of the therapy of typhus, they had to have a lukewarm bath, and because of the insufficient opportunities, I could not bathe the inmates at the prescribed periods.

Q Who was being the representative in Block 46 after the arrest of the defendant Hoven?

A I think it was the camp physician at that time.

Q Do you know his name?

A I believe it was Dr. Schindlowski.

D. B. RINK: Thank you. I have no further questions.

THE PRESIDENT: Any further cross examination of this witness by any of defense counsel? Or re-direct examination of this witness by the prosecution?

#### RE-DIRECT EXAMINATION

BY THE PROSECUTOR:

Q Now, witness, you have stated to the defense counsel's question, if Dr. Hoven had personally administered any injections in Block 46, and your answer was, "No, he did not himself." Now do you know whether or not Dr. Hoven ever issued any of the orders to carry out the experiments to administer injections to the officers working in Block 46?

A The use of Cape District was not the executive organ, and in spite of all liberties which he enjoyed, he could not permit himself to conduct any such experiments on his own initiative.

Q Therefore, in the absence of Dr. Dietrich before Cape District could act, he must have received orders from Dr. Hoven, is that correct?

A Yes.

Q Now you have stated that you personally saw Dr. Hoven during your time in Block 46 only two times in the hospital section of Block 46. Now, witness, do you know whether or not Dr. Hoven visited this section in Block 46, or saw the nurses who

2011 11 12

There is a possibility since Block 16 had two floors, and I could not possibly see every visitor that came along.

Q Now, witness, would you say then that Dr. Ewen, or, would you assume that Dr. Ewen in his capacity as Deputy to Dr. Ding, visited the section where experiments were being conducted in Block 46 frequently, that is, the times when you personally did not see him?

4. It is possible that he visited this Department on frequent occasions. However, most of his visits were intended for "line C," where the tailor shop and the work shop were located.

Q Now, do you know in your mind's eye city in the Black  
and what the specific indices of Dr. Haven consist of in that  
connection? In other words, witness, with weight did you give  
to Dr. Haven whenever he issued an order, and with respect was  
given to him by Dielsch, or did Dielsch take his report to Haven  
and his experiments that were conducted in the absence of Dr. Haven?

... Master Dietsch reported to Mr. Meyer, well, this is something that is possible. However, we could see from the chart and the diagram which Dietsch had in his possession how the experiments were progressing.

Q Now would you say in the presence of Dr. Ding that Dr. [redacted] was considered the commanding officer of Block 46?

$$Y \subseteq g_1$$

Q Now, witness, did Dr. Haver ever try to reveal in any way the subject of these typewritten letters?

I cannot say as to E-2 since during my brief time  
I was confronted with facts in regard to him which I cannot recall.

On your knowledge of this the above is a bona fide initiative  
my intent to prevent or to suppress the system of corruption  
and - 67

A. According to my knowledge, no.

Q. Now, witness, the defense counsel for the defendant Hoven is trying to present a picture of Hoven as a Sir Galahad in Buchenwald, saving and doing good for political prisoners, and doing no wrong. Is that a correct picture?

A. Among the inmates he had a good reputation.

Q. Now tell me, witness, your personal view of the defendant Hoven in his activities in the Buchenwald Concentration Camp. Did you consider him, as I have said before, a Sir Galahad or do you consider him an inferior person or did you consider him a man scheming for his own gain? What was your personal opinion, witness?

A. According to my opinion the main motive of his work to us and the main motive of saving us was based on reasons of corruption.

MR. HARDY: I have no further questions, Your Honor.

DR. GAWLIK: Mr. President, I shall ask you to permit me to put a few more questions as to the other aspects which have come up on his re-direct examination.

THE PRESIDENT: The defense counsel will re-cross examine the witness.

#### RE-CROSS EXAMINATION

BY DR. GAWLIK:

Q. Witness, were you at any time present when the defendant Hoven issued any orders to Cape Dietsch at the beginning of the typhus experiments?

A. No.

Q. You, therefore, do not know whether the defendant Hoven ever issued any such orders to Dietsch?

A. No.

Q. The Prosecutor put the question to you whether the defendant Hoven ever tried to prevent the execution of the typhus

experiments?

A. Yes.

Q. In this connection, I should like to put to you the testimony of the witness who proceeded you, a Dr. Kogen. This witness testified that all the typhus experiments started, or rather were started by Dr. Ding?

A. Yes, Dr. Ding was the chief. Yes, that is correct.

Q. Therefore, did the defendant Hoven, after these experiments had started; in other words, after the experimental subjects were already infected did he have any possibility to prevent the experiments?

A. No.

Q. Then a question was put to you, witness, whether Dietzsch sent any reports to the defendant Hoven.

A. Yes.

Q. Did you ever hear that Dietzsch made such reports?

A. It was in the manner of Dietzsch to report regularly to his chiefs.

Q. Then you have to differentiate the following: there were purely administrative matters in Block 46.

A. Yes. These administrative matters were of very, very slight significance. Everything was running very, very smoothly, so there was nothing to be discussed with reference to administrative matters.

Q. If as you said, witness, everything was running so smoothly, then a deputy or a representative had to make no suggestions at all?

A. I was merely speaking of administrative matters.

Q. Thank you. I have no further questions.

A. FERRY: The prosecution has no further questions to put to this witness, your Honor.

THE PRESIDENT: The prosecution will proceed. The witness is excused.

MR. MC HANEY: If the Tribunal please, we have several more documents to put in with respect to the typhus experiments at Buchenwald; one of which is NO-484 on page 59 of the English Document Book, and this will be prosecution Exhibit 291. This is a statement sworn to by Alfred Belachowski.

DR. NEUGE: Dr. Nolte, counsel for the defendant Bandloser. The document which the prosecutor just mentioned in our Document Book bears the number 484; the translation said before 485.

Mr. President, I ask that this statement be only admitted under the condition that Mr. Belachowski be called here as a witness and be subject to cross-examination. The very extensive statement of Dr. Belachowski is based,



According to his own words, to a large part, on reports of the third party. The manner in which the witness makes the statement does not show how far his statements are based on his own knowledge and his own observation, and how far this was not the case. The High Tribunal, in their ruling of the 21st of December 1946 and which was also confirmed today, has stated exactly how the submission of affidavits was to be carried out. According to this ruling, the preamble of the affidavit should have the wording: "I hereby establish the following facts under oath which are known to me from my own knowledge." I may assume that this ruling applies to affidavits which are being submitted by the prosecution as well as to affidavits submitted by the defense. The statement of Dr. Salachowski is obviously not in compliance with this rule. I, therefore believe that in order to establish the objective truth, it is necessary to examine this witness personally; at any rate, to give the defense the possibility to cross-examine that witness.

DR. JOE KUBIE: If it pleases the Tribunal, I am not aware of any ruling of the Tribunal with respect to the precise wording of the preamble except as concerns statements made by witnesses for the defense--statements not under oath. The only point which I think worthy of discussion raised by Dr. Molto is the question whether or not Salachowski should be brought to the stand, and subjected to cross-examination, if this document is admitted. We have received very extensive and prolonged testimony from the witness Kogen and he was subjected to a rather intensive cross-examination. I think that there are very few new matters in this affidavit, that is, matters which were not covered by the witness Kogen. But we are interested in putting in this affidavit; first, because it corroborates what the witness testified to here, and as a matter of fact, Kogen mentioned the name of Salachowski as being one of the people who worked with him in block 20, and also, I think it adds to the weight of the prosecution's case.

It's quite true, and revealed on the face of this affidavit, that Salachowski is not making all of the statements herein from personal knowledge; that is to say, he did not see all these things any more than the witness Kogen

see them. That, of course, does not mitigate the admittance of this document. We, therefore, submit that it should be admitted at this time, and I think it would be rather difficult and unfortunate to have to call Balachowski from Paris to Nurnberg. Of course it can be done, but I don't think it can be done before the prosecution plans to rest its case; so if the Tribunal rules that it's necessary to bring him here as condition to the admissibility of this affidavit it would have to be done at a time following next Wednesday or Thursday when the prosecution expects to complete its case in chief.

THE PRESIDENT: We will now take a recess.

(A recess was taken.)

THE PRESIDENT: The Tribunal is of the opinion that the Prosecution Identification 291 having been made and stated by the witness under oath, should be admitted in evidence.

The defendants, of course, may by argument attack its probative value, and if the defendants desire, as part of their cross examination, to propound interrogatories to Alfred Balachowsky, the witness, to be answered by him before a Commissioner to be named by the Tribunal. The Tribunal would give serious consideration to any such application, with the understanding that the answers to the interrogatories made by the witness should be considered as defendants' cross examination of the witness when they are received.

The offered affidavit will be admitted in evidence.

DR. GEORGE W. HANEY: Prosecution Exhibit 291 reads as follows:

"Statement Concerning Experiences and Research about Communicable Typhus at Buchenwald Camp, made by Alfred Telachowsky, Doctor of Science, Laboratory chief at the Paris Pasteur Institute, arrested 2 July 1943 by the Gestapo as head of the Underground Net Duckwister-Promper (V.F.C.) and charged with parachuting and stocking of arms, establishment and transportation of secret radio stations, assistance to enemy agents and to air-  
men who landed on French soil.

"Held in custody at the German prison Fresnes until 30 November 1943,  
transferred to Compiègne camp, held there until 16 January 1944.

"Dop. fled on 16 January 1944 to Buchenwald camp (serial number 10449),  
sent on 10 February 1944 to the Gerns Haus. Brought back to Buchenwald  
on 1 May 1944 in order to work in Block 30 (Typhus-Institut der Hohen-SS),  
on the production of the vaccine against typhus for the German  
Army.

"Liberated at Buchenwald camp on 21 April 1945 at 1600 hours by the U.S. Army (Infantry). Repatriated to France on 24 April 1945.

41. Functioning of block 50 and 53; block 53, to which I had assigned  
last year, was in charge of S. Sternwandschwer Brach Dis. von Schuler:

this officer, who subsequently has committed suicide in his cell, was chief of block 46, where all the prisoners of the camp, who had been chosen as 'subjects' for various so-called 'scientific' experiments, were living.

"Relations between both blocks, 50 and 46, were continuous, as the secretariat ('Geschäftszimmer') was shared by both and was held by the Austrian political internee Eugene Kogon (serial number 9093), now living at Hehenstrasse 123, Oberursel-Taunus, near Frankfurt a.M. Owing to the prominent position held by him at block 50, Kogon has been able to collect a considerable number of data and documents, which he has saved nearly entirely and which he has turned over, at the time of his liberation, to the U.S. Army Psychological Service (Lt. Rosenberg).

"2. I have been personally informed of the experiments which took place in block 46 by:

"1) information given to me personally by Eugene Kogon, through whom all reports were being transmitted,

"2) by information given by Hans Baumkister, assistant secretary of block 50, German political internee (serial number 1345), who typed all reports,

"3) by the designer Wilhelm J. Koch, a German political internee (serial number 5754), who made up all graphs which accompanied the reports of experiments,

"4) by the analysis slips which were sent to the bacteriological laboratory directed by Professor Ludwig Block, of Lwow, a Polish-Jewish political internee (serial number 4934). All sick and typhus-infected people were submitted to the Weil-Felix test, carried out by my associate, Doctor Rene Lorenz, French political internee (serial number 42,499).

"3. The documents which give much more detailed information and which are in possession of Eugene Kogon, and succeeded, in particular, in getting out of the diary of the experiments which were of value to the German national defense.

"4. The following personalities are members of the Superior Committee

of this 'Section':

"Dr. Handloser, Inspector-General of the Wehrmacht Medical Service.

"Dr. Conti, SS-Oberstgruppenführer, (Obergruppenführer).

"Dr. Peppendick, SS-Gruppenführer

"Dr. Gaenzken, SS-Gruppenführer.

"5. The entire section was placed under the protectorate of Himmler himself, who accorded personally all facilities for the carrying out of the program, which, by the way, interested him very



much. All decisions were made under the cover of his undisputed and overwhelming authority.

"6. Initiatives referring to any experiment had to be reported to the V.S. No. 5 in Leipzig, which subsequently arranged for their execution, not only in block 46 of Buchenwald camp, but also in similar blocks which existed in other camps (Nelson, Struthoff, Auschwitz, Decau, etc.). An Inspector was specially assigned to the supervising of all this work. It was SS-Oberführer Krugowsky, a tall Prussian, whom I saw several times at the camp last on 20 March 1945, when he just had inspected the extermination block No. 61.

"7. Another personality who was interested in these experiments but did not participate officially therein was the Erbprinz zu Waldeck and Pyrmont, SS-Obergruppenführer, General of the Waffen-SS, Polizeiführer for Hesse and Thuringia, residing at Kassel. He visited block 46 several times.

"8. In Buchenwald camp itself, the director of the experiments ordered by the V. S. No. 5 of Leipzig was SS-Sturmabführer Ding von Schuler. Only in quite exceptional cases did he take any personal initiative and he did not carry out the orders which he received. After every series of experiments, he had to hand in a detailed report, which was typed at block 50 by E. Kogon or Hans Baumolster, and to which graphs or photostats were attached. The photographic work was done at Block 50 by the Dutch internee Johannes Robert (serial number 3103), now residing at Amsterdam, Scheldestraat 88, as well as by another Dutch, a friend of his, who worked as Schreiber (clerk) at block 46.

"9. If the scientific direction of block 46 was in charge of the SS-Sturmabführer von Schuler-Ding, all the practical execution of the experiments was entrusted to the Kapo of block 46, the German political internee Arthur Dietzsch, residing at present at Detmold (Lippe-Detmold, British Zone). When he left the camp, he married a prostitute of the Buchenwald brothel.

"10. Dietzsch symbolizes the brute in every physical and moral respect,

and he has killed with his own hands several thousands of internees of every nationality.

"11. In 1945, he had collected 20 years of prison. Arrested in 1924, at a time when he was a Schupo policeman, he had been sentenced then to 15 years prison (Zuchthaus) for having sold State Police documents to the Communists. Kept in prison by the Hitler regime, he was sent at last to the Buchenwald camp, where he was renowned because of his bestiality. He first was 'Zinkneuffer' (buyer) at the Revier (hospital) of the camp, where he made the acquaintance of Schuler, who, prior to the war (in 1939) was the SS-Lagererzt (chief physician) of the Revier of Buchenwald camp.

"12. Schuler went to the front in September 1939, participated in the battle of France, and was sent in 1941 on a medical mission to the Pasteur Institute in Paris (service of Dr. Giroud), in order to study there the new methods for producing vaccine against exanthematic typhus out of rabbit lungs (so-called Giroud method).

"13. Having returned to Buchenwald in October 1941, the SS-man Schuler takes charge of Block 41 (at the time), and is looking for a devoted helper in order to carry out the program required by his new position. He asked for volunteers to assist him, but nobody volunteered. At last, Schuler called directly on Dietsch, who accepted. This new position at once gave Dietsch considerable advantages in the camp. The right of life and death of the internees, for he had practically, if not the right, then at least the means to recruit whom he wanted as 'experimental subjects'. Dietsch was tolerated by the Communist fraction of the camp, which had discretionary powers at Buchenwald, as he had the power to eliminate the enemies of the party in the shortest time.

"14. Brutal, stupid, cruel, a sadist and a drunkard, he received as a reward for his object activity considerable material advantages, superior even to those received by the SS themselves; he wielded a discretionary power over the camp; he had absolute authority, and

9 Jan. 4-CES-7-2c-Eryda (BK)  
Court No. 1

even permitted himself to be rude toward SS non-commissioned  
officers.

2

"15. He signed an agreement with the SS who entrusted him with this position, according to which he undertook to execute personally everything which would be asked of him.

"16. This kind of 'agreement' was an exception at the camp and was asked only of a few internees who were completely devoted to the SS and who carried out on their behalf a dirty job. This was also the case for the common criminal (green patch) Kape of the 'Crematory', who enjoyed an exceptional regime and received a bonus of 200 cubic centimetres of alcohol for every prisoner who was executed in the basement of his building, which had been transformed into an execution chamber. He was a notorious necrophile who had found there a position where he could give way to his horrible vice without any restraint. In the morning of 11 April 1945, he left with the last SS-men and was probably executed on the road by his SS friends.

"17. Among the internees who were well informed about the occurrences at block 46, one should also quote Dr. Marian Ciepielowsky (a Polish political internee, serial number 4347). He was interned there to be put to death with two other fellow countrymen of his, who perished. Ciepielowsky was saved by Schuler, who appointed him as his chief of production of the vaccine, at block 50. He made use of his position to commit sabotage of the production with a very laudable cold-bloodedness and efficiency. On the other hand, he exerted his authority in order to protect as far as possible the internees, to limit the executions, to nullify the experiments, to falsify the results, and always proved himself to be a very jolly comrade.



Court No. 1

"18. At Buchenwald, the Experimental Block, established at the beginning in block 41, was transferred to blocks 41-49, and finally, in November 1942, to block 46. This latter adaptation was final and the block was able to lodge permanently about 400 inmates.

"19. Block 46 was an isolated block, surrounded by barbed wire, with doors and windows which were always closed; the inmates never left it and were not submitted to any roll call. When entering block 46, they were their camp serial number. All of them received another one which was listed on the experiment files. Those who died (nearly all of them) were listed on the camp files.

"20. In general, the inmates serving as 'Guinea Pigs', if they survived an experiment, were put to death at it's end by an injection of prussic acid (1 cubic centimetre, intravenously) or of 10 cc's concentrated Phenol solution (intracardiac).

"21. In December 1944, I have seen that 3 straitjackets were put on the door of block 46; this was filed in the pharmacy of block 50 by the Luxembourg political intern Victor BOFFA (serial number 8411), now resident 48 Ave. de la Liberte in Luxembourg.

"22. At block 46, grenades and automatic pistols were also at the disposal of DIETZSCH, in order to prevent any internal or external revolt at the night. There were also male nurses, "strong men", well fed, and selected for their bodily strength, in order to assault those who did not obey.

"RECHERCHES - SUBJECTS FOR BLOCK 46".

"23. The list of the inmates which were utilized as Guinea Pigs at block 46 was established by the offices of the "Politische Abteilung" and comprised, as a matter of principle, but the "German" ones (Germans). In practice, the list was sent to the Ravier (hospital) where the individual examination took place, through the intermediary of the Dr. BUSSE (chief of the Ravier). He was able to modify the list according to his wishes and to substitute another inmate if one was listed. In this way, certain political inmates died at



Court No. 1

Block 46. The SS-physician ROVED, who was in charge of the Ravier, played a large part in the liquidations of block 46. In order to camouflage the experiments, real sick, and especially sick, and especially typhus cases, were accepted at block 46.

"RESULTS WERE CARRIED OUT AT BLOCK 46 CONCERNING EXAMINATIONS OF TYPHUS".

"24. A. Cultures of typhus. The production of anti-typhoid vaccine was done by means of cultures consisting of infected human blood with which the animals (Guinea pigs, mice, rabbits) were inoculated in various organs (marrow, lungs) were then collected for production purposes."

It reads "anti-typhoid"; it should read "anti-typhus".

"25. SCHULER established at block 46 a certain number of cultures whose virulence and behavior were variable according to his opinion, and which he called Bu I, Bu II.....Bu XII (Bu = Buchenwald). Thus he had very strong, medium and weak typhus forms, with such and such clinical characteristics. The activity of these stocks could be increased by "passages".

"26. Every determined culture was maintained by "passages", meaning the inoculation of 0.5 to 1 cubic centimeter of infected blood from an individual bearing a culture to a new individual. Generally the virulent blood was kept 5 to 6 days after the inoculation (which took place through intravenous injection), the second day after the appearance of the exanthema.

"27. Typhus inoculation by intravenous means at the infected does not always give the disease a very serious character, but death invariably occurred between the 10th and the 30th day after the intravenous injection.

"28. For every listed culture (if they became too weak) certainly 10 to 12 in the files of block 46 the animals at least were sacrificed every week at block 46, that means 20 animals in nearly 600 in two years.

"29. In the experimental files, a list from block 46 files a few days prior to the liberation of the camp, indicates the number of cultures, the various passages in the course of the experiments.

Court No. 1

"EXPERIMENTS CONCERNING THE VALUE OF THE VACCINES."

"30. The German army made use of several vaccines against exanthematic typhus, vaccines of unequal value, and the comparative value of these various vaccines was experimented on.

"31. Besides the vaccine which was produced on a rather large scale (25-30 litres a month) at block 50 by the so-called Giraud method (rabbit lung), the German army also made use of vaccines of Polish (Polish Institute, of Gracow and Lwow), Italian (Chicken embryo), German (Hamburg, Tropical Institute), French (Pasteur Institute), Danish (miscellaneous) origin.

"32. In May 1944, the V.S. of Leipzig decided to carry out important experiments concerning the comparative value of these various vaccines at the Buchenwald block 46. According to the report typed at block 50, 156 internees were sacrificed in the course of this checking.

"33. These subjects were divided into two lots; the first lot (20 internees) was exclusively used for checking purposes, and the people were inoculated with various typhus cultures without having been vaccinated.

previously. The other lot (136 internees) were vaccinated with the various vaccines mentioned before and at variable doses. 15 days after the last vaccine injection, all subjects were inoculated with typhoid" -- that should be typhus -- "by 1 cubic centimetre of blood in intravenous injections; this blood came out of the culture carriers, under the usual conditions.

"34. From the 10th day on, the test persons began to die, as indicated by the record of the experiment, which I have seen myself, accompanied by an explaining graph. The vaccinated subjects held out longer, and this resistance was related with the dose and the nature itself of the vaccines which were used in the experiments.

"35. The Weigl vaccines (obtained by the crushing of lice) were the most efficient and gave to the people subjected to the experiments a real immunity. The few survivors of these experiments were murdered, according to the rule of block 46, by intracardiac injections (10 cubic centimetres) of concentrated solution, given either by the Kapo DIETZSCH or one of the nurses recruited by him.

"36. The report on these experiments, which Hans BAUMEISTER has shown me, has been sent to Leipzig at the end of August or the beginning of September 1944.

"SEROLOGICAL EXPERIMENTS CONCERNING TYPHUS."

"37. It was a strict rule at block 50 not to take any scientific initiative, not to carry out any personal experiment and not to give any suggestion to Schuler, who always asked us for advice in order to improve the vaccine. We knew that the least initiative had as a result the introduction of new experiments, which meant the death of comrades KOGON, GIKFELDOWSKI, and myself insisted as much as we could that those of our block-comrades who had a scientific responsibility strictly observed these rules which, on the whole, were followed.

"38. However, Dr. Prof. Ludwig FLICK of Lwow, Jewish-Polish political internee, serial number 4934, deliberately mentioned to SCHULER in July 1944 that he believed to have observed modifications in the serological reactions, when a sudden rise of the agglutination percentage in the Weil Felix reaction

from 1/400 to 1/800 occurred on the 3rd and 4th days of the disease.

"39. Immediately, SCHULER sent a report to Leipzig asking for experiments, and the authorization was given very soon.

"40. On 6 September 1944, 20 new subjects were inoculated at block 46 and serological observations were made from day to day.

"41. The W.F. reaction did not appear to be specific, only 2 subjects of the 20 showed it.

"42. Of the 20 internees which were inoculated on 6 September:

- 4 died on 20 September,
  - 8 died on 21 September,
  - 5 died on 22 September,
  - 2 died between 22 September and 11 October
- ( - 19 dead).

There was only 1 single survivor, who probably has been murdered. The agglutination percentages have been observed from day to day by my comrade, Dr. H. NOYERAT, who gave me all information on the subject.

"43. TYPHOUS OXYMELANOSIS. Experiments concerning the chemical reaction of certain substances, in order to cure exanthematous typhus, were also made at block 46 of Buchenwald, as shown by a report typed by Eugene KOKON at block 50.

"44. A certain number of these experiments have been made on request of the I.G. Farbenindustrie of Frankfurt am Main, particularly by Prof. LAUTENSCHLAGER, who had ROTENBEL granules, acridine and nitroacridine experimented on internees at block 46. The report mentions a mortality percentage of 53% for the acridine and of 56% for the nitroacridine.

"45. Other substances have been sent for experimental purposes by the BEHRING-Werke of Marburg, and Dr. RUGE of the Hamburg Tropical Institute took a strong interest in this research."

This is dated, Paris, 24 May 1946, and signed by Dr. Alfred BALACHOWSKI.

I would like at this time to introduce a document, ND-559, which will be Prosecution Exhibit 292. If the Tribunal please, this document has been



delayed in translation. It was meant to be inserted on page 20 of the English Document Book. On page 20 you will find the certificate on these documents. They were copied by Professor Robert WEITZ, whose name was mentioned by the witness Kogon, when he testified, as being one of those working in block 50, I believe it was and he certifies that he copied these fever charts and clinical reports from the originals in Buchenwald.



This exhibit consists of seven fever charts which came from Buchenwald in the Buchenwald Concentration Camp, and these show the incidence of sickness of the inmates inoculated with typhus.

On five charts, namely those enumerated "590" "591" "651" "652" and "658", a red cross showed the patient died. For instance, on the -- I will pass the original up to the TRIBUNAL. (Mr. McHenry passes document to the President).

MR. MC HANEY: (continuing) Patient No. "652", is the fever chart on top, and you will see a small red cross at the end of the red fever line on that fever chart.

I don't think it's necessary that I read all of the translation that has been handed up to the TRIBUNAL; as you can see the exhibit consists mostly of fever charts. However, on the back of some of those fever charts, will be found notes written in ink, and these give the progress of the disease.

For example, on the second page of the translation of this document they give a running account of clinical observations. For instance, it reads up on the top:

"exanthem	18 macmoral like resemblance of both hands 19th-22nd exanthem in the axilla, lentil sized roscoles on the 20th exanthem hemorrhagic
eyes	18th heavy conjunctivitis, eyelids swollen. From 23rd keratitis
tongue	18th lingual white coating, edges free, point reddened, on 21st epistaxis
heart	20th mitral systolic murmur 21st sounds low, pericardium ryles - pulse low, soft, regular
spleen	22nd enlarged, palpable, 23rd pressure sensitive
liver	22nd " "
state of health	16th --

These numbers, "16" and so on, apparently indicate the day following the date of inoculation.

"16th slight headache, soreness of limbs, sweats,

"19th heavy headaches, aching back

21st giddiness, 22nd fainting spells, delirious during the night.

24th facial tick around the mouth and lower jaw at night; difficult breathing."

I think that is a sufficient reading of this document. The rest of this translation, consists of substantially the same sort of descriptive material; that is, clinical observations on persons who underwent the experiments in BLOCK 46 in Buchenwald.

At this time, the Prosecution would like to have the witness Edith SCHMIDT called to the stand.

THE PRESIDENT: The MARSHAL will summon the witness Edith SCHMIDT.

MR. MC HANEY: If the TRIBUNAL please, this witness is a FRENCH citizen. However, she is from ELZASS, and can testify in GERMAN, so I think that will simplify matters.

EDITH SCHMIDT, a witness took the stand and testified as follows:

BY THE PRESIDENT: The witness will rise and hold up her right hand.

(The witness rose and raised her right hand)

THE PRESIDENT: You swear to speak without hate or fear, to say the truth, all the truth, and only the truth. You have raised your right hand. Now, say "I SO SWEAR".

(The witness repeated the oath and the words: "I SO SWEAR")

THE PRESIDENT: You may sit down.

DIRECT EXAMINATION

BY MR. MC HANEY:

Q Witness, your name is Edith SCHMIDT?

A Yes.

Q Your last name is "SCHMIDT"?

A Yes.

Q You were born on August 26, 1899?

A Yes.

Q And you were born in BESULAIS, France.

A Yes.

Q Are you a French citizen?

A Yes.

Q Will you tell the TRIBUNAL what your education has been?

A I attended the MIDDLE school in SALZGEMUND and HASEMAD. Then, in 1921, I took my first BACCALAUREATE; that is, I graduated from SECONDARY school. And then, I was a volunteer student at the PHARMACOLOGICAL Institute at the University of STRASSBOURG.

Q What work have you done since you graduated from Strasbourg; University of Strasbourg?

A. In 1928, I left the University of Strassbourg. (pause) No, in 1929 (pause) excuse me. And then I worked at the PASTEUR Institute in PARIS. Afterwards, I went back to the University of Strassbourg. I worked at the PHARMACOLOGICAL Institute there. Since 1929, I did not work any more since my mother was ill, and then I went to the HYGIENE Institute in Strassbourg, in 1942, in February. I worked there with Prof. HANGON. In my work there, I was in charge of the seriological - bacteriological course of the students; independently, alone.

Q. And what sort of work did you do with Prof. HANGON?

A. As I said, I had the seriological-bacteriological course of the students.

Q. And how long were you associated with Prof. HANGON, in Strassbourg?

A. From the 1st of February, 1942, until the DEPORTATION.

Q. Was HANGON's first name "Eugene"?

A. Yes.

Q. "Eugene HANGON"?

A. Yes.

Q. Was he an officer in the DEPARTMENT?

A. No, he wore the uniform of the DEPARTMENT.

Q. Now, witness, did HANGON work in his laboratory at Strassbourg on yellow fever.

A. Yes.

Q. Did he also do some work on EPIDEMIA?

A. Yes.

Q. And then on Typhus?

A. Yes.

Q. Was he working in an effort to develop vaccines for those diseases?

A. Yes.

Q. During the course of your work with HANGON, do you know whether

he ever performed any medical experiments on Concentration Camp inmates?

A. Yes.

Q. Will you tell the TRIBUNAL what you know about these experiments beginning with the first?

A. The experiments, as far as I recall, extended from about May 1943 to July 1944. The first knowledge of experiments on human beings, I received in about May 1943. But first in reference to experiments with influenza vaccines produced from the lungs of mouse structure injected into inmates of the Concentration Camp SCHIMMEL. When I objected to Prof. Hagen and to his Assistant, SS Major-Inte Dr. Helmut GREFE, that that was a CRIME, Dr. GREFE told me, in the presence of Prof. Hagen, that I should calm myself, that the experiments would not be performed on inmates but on POLES. When I said (pause) objected (go on) that that was the same thing, Dr. GREFE said "No, POLES are not human beings"; and I said that that was not true; and, therefore, I was told that I was to be quiet. This vaccine was later, when its harmfulness had been ascertained, used on personnel of the University of Strasbourg, who volunteered.



Q Now, witness, in connection with these experiments at the Schirmeck Concentration Camp, did you have any reason to believe that typhus experiments might also have been conducted there, as well as influenza?

A Yes, I assumed it but I was not able to get any evidence to that effect.

Q Why did you assume that, witness? What made you think that they might be experimenting with typhus at Schirmeck in 1943?

A I saw what materials were taken to Schirmeck and I said to myself, "There must be typhus experiments there, too."

Q You mean by material that you saw typhus vaccines being taken to Schirmeck?

A Yes.

Q. Now witness, you have told us about the experiments at Schirmeck. Do you know of any other experiments on concentration camp inmates by Dr. Haagen?

A Yes.

Q Will you please tell us about those?

A At the end of 1943 I saw a letter which Professor Haagen wrote to an SS office through Professor Dr. Hirt, professor of the Anatomical Institute at Strasbourg. In this letter, inmates of the concentration camp, I think Dachau, were requested in order to carry out typhus experiments. A second letter came to my knowledge. In this letter Professor Dr. Haagen wrote that the human material which had been sent him was not suitable for the experiments. A part of the concentration camp inmates of, I believe Dachau, who arrived at Schirmeck were in a condition which would not have produced the same results from typhus vaccinations. Part of them had died on the way. Thereupon Professor Dr. Haagen demanded concentration camp prisoners in the health condition of a real soldier.

Q Now, witness, I would like to interrupt you at this point and have handed to you Document Number NO-121 and ask you if this is the letter which was sent from Dr. Haagen to Dr. Hirt. If Your Honors please, this is on page

73 of the Typhus Document Book. (Copy of document is shown to witness).

A Yes, that is the letter.

MR. J. C. RAMEY: I offer Document Number 73-121 as Prosecution Exhibit 293 and I would like at this point to read it into the record. It is a letter to Professor Dr. Hirt, Anatomical Institute of the Reich University, Strasbourg. The letter is from Dr. Waagen to Hirt. The date does not appear on the translation; however, it is on the original. It is November 15, 1943:

"On 13 November 1943, an inspection was made of the prisoners that were furnished to us in order to determine their suitability for the tests which have been planned for the spotted fever vaccines. Of the 100 prisoners that have been selected in their former camp, 18 died during transport. Only 12 prisoners are in such a condition that they can be used for these experiments, provided they can be brought into a state of vigor. This should take about 2 to 3 months. The remaining prisoners are in such a condition that they cannot be used at all for these purposes.

"I might point out that the experiments are for the purpose of testing a new vaccine. Such experiments only lead to fruitful results when they are carried out with normally nourished subjects whose physical powers are comparable with those of the soldiers. Therefore, experiments with the present group of prisoners cannot yield usable results, particularly since a large part of them are apparently afflicted with maladies which make them unsuitable for these experiments.

A long period of rest and of good nourishment would not alter this fact.

"I request, therefore, that you send me 100 prisoners of age between 20 to 40 years, who are healthy and who are so constituted physically that they furnish comparable material."

"Heil Hitler!"

"Staff Physician

"Professor Dr. E. Hansen"

Q. Now, witness, will you continue to tell us what you learned about these experiments following your knowledge of this letter which I have just read?

A. After I had seen this letter I paid all the more attention to what was going on in the typhus laboratory. It was somewhat difficult for me since I was the only worker who was not vaccinated against typhus so that I would be kept away from the work. I should like to remark that I was the only physician in the Institute. In spite of that I learned that typhus vaccine was being produced with Rickettsia Prowazeki and egg yolk culture. This vaccine was dried by a special method and I learned that it was dissolved in a solution against before injection. In any case, these fluids were taken along when Professor Hansen went to the Concentration Camp Natzweiler, which happened rather frequently.

Q. Did Hansen also cultivate in his laboratory at Strasbourg a virulent typhus virus?

A. Yes, on guinea pigs, in the brains of guinea pigs.

Q. And did he take these guinea pigs to Natzweiler with him?

A. Yes, they were used to infect the prisoners. As far as I know, part of the prisoners were infected and vaccinated and part of them were so-called "control persons" who were not vaccinated.

Q. Now, witness, you state that these experiments were carried out at Natzweiler. How do you know that fact?

A. I saw the list.

Q. And who had made up this list?

A The assistant of Dr. Haagen.

Q And what was the name of the assistant of Dr. Haagen?

A It was a woman, Miss Grodel.

Q And that name is spelled G-r-o-d-e-l?

A Yes.

Q Did you see the notes prepared by Miss Grodel on the typhus experiments at Fetzweiler?

A Yes.

Q Were you able to ascertain approximately how many men had been experimented on?

A Yes, from 150 to 200 probably.

Q And you were also able to determine, from these notes, that some of these experimental subjects had not been given a protective vaccine before they were injected with typhus?

A Yes.

Q Were you able to determine from these notes of Miss Grodel, approximately how many of these experimental subjects died as a result of the experiments?

A Yes. Including the control persons there were about 50.

Q Can you give us the approximate date when these experiments were carried out in the Fetzweiler camp?

A As far as I recall, these experiments must have been especially in the spring of 1944 but it is possible that they began the end of 1943, I am not sure exactly. In any case I know that when I saw Grodel's notes it was spring or summer, I know that the sun was shining on the pages.

Q Now, Miss Schmitz, could you tell from seeing these notes of Miss Grodel what the nationalities of the experimental subjects were?

A I do not know much about that but I do know that gypsies were used for this purpose. As far as I know, persons of all nationalities were used. I know only of one time I heard Professor Haagen talking

on the telephone and he said that a Danish doctor was to be expected.



Court No. 1

Q. Now, witness, can you tell us what color the Danish --

A. E. PRESIDENT: The Danish witness was to be accepted or excepted?

A. She was to be accepted, not to be included.

Q. Will you tell the Tribunal what color this virus material had that was used by Haagen in these experiments?

A. Yellowish gray, a yellowish gray liquid, not thick, not thin.

Q. Now, witness, do you know where the reports were made by Haagen on this typhus experiments?

A. Yes.

Q. Do you know where these reports were sent?

A. I cannot say exactly, but as far as I know all letters were from Haagen to Luftwaffenarzt Litten, Berlin-Dahlem, Kronprinzstr., 52 or 56.

Q. Do you know whether Haagen corresponded with the said doctor in the Luftwaffe by the name of Rose?

A. Yes.

Q. Was this correspondence very frequent?

A. I do not know that.

Q. Do you know whether this correspondence was a common typhus experiments?

A. As far as I know, yes.

Q. Do you know whether Rose ever made any visits to Strassburg?

A. Yes. I saw Dr. Rose in Strassburg myself. I was introduced to him.

Q. How many times did you see him in Strassburg?

A. At least three or four times.

Q. Will you describe what Prof. Rose looked like on the occasion that you were introduced to him?

A. What I remember most vividly was his monocle. He was a tall man with a very good appearance in his uniform, and he wore a monocle.

Q. Did he wear a beard at that time?

A. No.

Q What was Professor Rose's demeanor when you met him, did he strike you as a proud and elegant man?

A Yes.

Q Did he say "Heil Hitler" when you were introduced to him?

A Yes, twice, when I was introduced to him and then he shook hands with me and then he raised his arm again.

Q Do you know what Rose's rank was at that time in the Luftwaffe?

A I believe Professor Hagen spoke of Generalrat or Generaloberst, I don't remember exactly. I don't know the German titles well enough.

Q Now, do you know whether a general of the Luftwaffe, other than Rose ever visited Hagen in Strasbourg?

A One day when I was in charge of the serological course I was told to keep my students quiet since a very high, - I believe the highest physician of the Luftwaffe was expected.

Q Do you remember approximately when was that?

A That must have been about June 1944.

Q Is the name Schroeder familiar to you?

A Yes. It was the name Schroeder which I believe I heard.

Q That is you were told that Schroeder was visiting Strasbourg on this occasion that you have mentioned?

A Yes.

Q Do you know the name of the woman who served as secretary to Hagen?

A Yes, the secretary of the Institute.

Q Who was it that served as personal secretary to Officer Hagen in Strasbourg, do you know that?

A Hagen had, one might say, two secretaries, Miss Eyer, who was secretary of the Institute, and Miss Ordel.

Q Did you know Miss Eyer?

A Yes, very well.

Q Did she ever tell you that Hagen corresponded with Rostock?

Court No. 1

A. Yes.

Q. Do you know what that correspondence concerned?

A. No.

Q. Going back to the visit of Rose to Strassbourg, can you fix the dates of those visits, approximately?

A. It must have been 1943 or 1944. I believe the first

visit was in the summer of 1943, before the 31st of July. I was in the classroom to see whether everything was ready for the course, when I was introduced to Professor Rose.

Q. And what about the second visit, could that have been in 1944, the second and third visit?

A. I believe so.

Q. Is the name Professor Bickenbach familiar to you?

A. Yes.

Q. Was he connected with the University of Strasbourg?

A. Yes. He was at the internal section of the University of Strasbourg and was at the Research Institute, as far as I recall he was a professor there.

Q. And do you know anything concerning his activities at Strasbourg, what research work he was connected with?

A. Yes, it was said that Professor Bickenbach was working on gas experiments.

Q. Do you know where these experiments were being conducted by him?

A. I cannot say. I only know that he had a laboratory in the old fortification of Strasbourg.

Q. Did you ever hear that Bickenbach went to Metzweiler and conducted some gas experiments there?

A. I know nothing about that.

Q. Is the name August Hirt familiar to you?

A. Yes.

Q. Was he connected with the anatomical institute at Strasbourg?

A. He was the professor of the Anatomical Institute.

Q. What was the name of one of his assistants; did he have an assistant and wore the uniform of a Luftwaffe officer?

A. I do not remember that. I remember the name, but whether that was the one in the Luftwaffe or not, I don't know anymore.

Q. Do you know the name Zimmer?

A. Dr. Zimmer?

Q. And he was an assistant to Professor Hirt?

A. As far as I know, yes.

Q. Did you ever hear or do you know anything about any of the gas experiments conducted by Hirt and Wimmer?

A. About what, please?

Q. About the gas experiments conducted by Hirt or Wimmer?

A. Yes.

Q. What do you know about these experiments, if anything?

A. I do not know much. It was only said that Professor Hirt--Wimmer-- I don't know that. But that Professor Hirt was conducting gas experiments in Natzweiler and it was also said that he was undertaking autopsies of people who were not dead yet.

Q. Did you hear what type of gas that they were experimenting with at Natzweiler?

A. No.

Q. You never heard the name of Lost gas mentioned?

A. No.

Q. Were Dr. Hirt and Dr. Haagen rather close friends?

A. Yes, I think so.

MR. MC HANEY: I have no further questions at this time.

THE PRESIDENT: At this time the Tribunal will recess until 1:30 o'clock.



CORRECTED COPY

AFTERNOON SESSION

The hearing reconvened at 1330 hours, 9 January 1947.)

THE MARSHAL: The Tribunal is again in session.

MR. MC HANEY: The Prosecution has no further questions to put to the witness at this time. If there is any cross examination, they can proceed.

THE PRESIDENT: Is there any cross examination of this witness by defense counsel?

CROSS EXAMINATION

BY DR. WANS PRIBILLA (Defense counsel for Paul Roatock):

Q Witness, when asked by the Prosecution, you spoke about Professor Hengen's secretary Dr. Olga Iyer, during the last period; did you speak with or see Dr. Iyer?

A Yes.

Q Can you tell me Dr. Iyer's address or where she is working now?

A Yes. Clinical Dermatologist, Strasbourg, Bas-Rhin.

Q Would you please spell the latter?

A Bas-Rhin.

Q Thank you. I have no further questions.

BY DR. MARX (Defense counsel for Professor Schroeder and Dr. Becker-Freysong):

Q Witness you were speaking before about a visit of the medical chief of the Luftwaffe at the institute of Professor Hengen?

A Yes.

Q You said that this visit took place in June of 1944?

A According to my recollection, yes.

Q And there is a possibility that this visit took place on May 22nd or 23rd, 1944?

A That is possible, too.

Q Did you see Professor Schroeder personally, or were you merely told he was there?

A I only saw his overcoat, which had large white epaulets on it and I was told we were concerned with the highest chief of the hygiene system of the air force. I believe that I can remember that the name Schroeder was mentioned.

Q. Do you know whether the medical chief was accompanied by an assistant?

A. I believe so.

Q. How long, according to your recollection, did this visit last?

A. At least two hours, possibly three.

Q. Was Professor Schroeder along together with Professor Haagen?

A. Of that I have no knowledge.

Q. Now, I should like to ask you with reference to the experiments on human beings, experiments with typhus. Were they already finished in the year 1943?

A. No, in the year 1943 they had not been completed. They continued until July of 1944.

Q. How do you know this date; how do you know that so exactly?

A. I have seen Professor Haagen depart from Hatzweiler so often with his entire material. In August 1944 Professor Haagen left Strasbourg together with his experiments. That is how I can state for certain that the date was in July of 1944.

Q. According to your knowledge were experiments on human beings conducted with reference to epidemic jaundice?

A. No, no, I know nothing about it.

Q. Was he exclusively concerned with animal experiments?

A. As far as I know, we were only concerned with animal experiments and microscopic experiments.

Q. So I understood you perfectly with reference to Hepatitis Sicca?

A. Yes.

Q. So I understood you correctly with reference to that?

A. Yes.

Q. Do you know if there was a certain Standarten Captain Dr. Th. von after June of 1944 in that institute?

A. Yes, he was in the institute for two days.

Q. Do you know, or is it known to you, whether in order to execute these experiments on human beings an order of the agency of the Luftwaffe was in existence?

A. As far as I know, yes.

Q. Well, my question is based on the fact that these experiments were supposed to be carried out by an order of a different agency; on the order of the Reichs Research Council or some such agency. Did you see any letters with any headings to that effect; I mean official headings, it may have been some from the Reichs Research Council or from Goerring or from the Reichs Marshal or some such agency?

A. I have seen such letterheads very frequently but what was contained in the letters I have no knowledge of.

Q. Yes, but did you see any letterheads with the titles Chief of the Medical Service of the Luftwaffe or Inspectorate of the Luftwaffe or Chief Inspectorate of the Luftwaffe?

A. That is something I could not swear to, but I do believe that I did.

Q. Ever since 1941, you were active there. Did you not say that was morning?

A. Since 1942; February 1, 1942.

Q. Do you know anything about the cooperation of Professor Haagen with Professors Gunkel, Buchner, Hubert or Kalk in connection with hepatitis?

A. No.

Q. Or on any other questions?

A. No, not at all.

Q. Do these names mean anything to you?

A. No.

Q. Gunkel, Buchner, Hubert, Kalk?

A. No, nothing.

Q. You read nothing about them?

A. No, nothing.

Q. Where exactly did Professor Haagen work in the institute; in what institute did he work in the University of Strasbourg?

A. He was professor at the Hygienic Institute at Strasbourg.

Q. Professor at the Hygienic Institute at Strasbourg?

A. That is correct.

Q. Extraordinary. At the University of Strasbourg, at the Medical Institute, there was another department called Research, was there not?

A. Yes; Research.

Q. Under whom was this Research Department; Professor Busckenboch?

A. Yes.

Q. Who was the superior of Professor Busckenboch; was it Deking?

A. That is something I do not know; I do not know how this was arranged.

Q. I have no further questions.

BY DR. HEINZ FRITZ (Counsel for Professor Rose):

Q. Witness, this morning you testified that according to your recollection Professor Rose was in Strasbourg on three or four occasions?

A. Yes.

Q. Professor Rose tells that he was there only twice and that was once at the time mentioned by you in 1943 and once in the year 1944. Is it possible that this statement of Professor Rose is correct?

A. In my opinion, I have seen Professor Rose on three occasions, but I would not swear to it.

Q. Can you tell me anything with reference to the visit of Professor Rose in the summer of 1944 and can you give me an exact statement as to the time?

A. No, no, I cannot do that.

Q. Another subject; do you know of the typhus vaccines of the Pasteur Casablanca and Leroy of the Institute in Tunis?

A. Yes.

Q. Do you know that these vaccines originated from living weakened virus?

A. Yes and I also know that they were not used because they were dangerous.

Q. Do you know, witness, that Haagen endeavored to develop this sort of Plan, since the vaccines of that origin were not considered effective?

A. In his work Haagen based himself just as much on French work just as he did American work, according to Cox.



Q. Do you know that he wanted to develop a vaccine for typhus as against pox and yellow fever?

A. I watched him read articles, French articles, about these vaccines. I once discussed the question with him very briefly. I know that he was consulting these works for his experiments, but to what extent he was basing himself upon them, that is something I do not know.

Do you know what the main problem with vaccines of this kind was when we tried to make them? In relation to the production of human beings to these vaccines?

A. I don't understand your question.

Q. I am speaking of the use of vaccine in living organisms. But, as I was asking you to tell me, when dealing with the production of these vaccines, the main problem was the production of the vaccine itself or the production of the human beings?

A. It is often.

Q. Another subject: are you, for example, at the Hygiene Institute of the University of Strasbourg, as director of the Institute?

A. In the 25th of August, 1944.

Q. Do you know anything about the vaccine which was used?

A. Four or five.

Q. Can you still remember the names of the doctors?

A. Yes.

Q. Go ahead.

A. Dr. Schapiro, the director of the Institute; Paul Schmitt, the director of the laboratory; and Dr. Schmitt, the director of the laboratory. I cannot remember the names of the doctors of the Institute.

Q. Now I am asking you to tell me the name of the vaccine which was used.

A. The vaccine was called "vaccine" and was used in the vaccine.

Q. Now I am asking you to tell me the name of the vaccine which was used.

A. The vaccine was called "vaccine" and was used in the vaccine.

A. I don't quite understand your reply.

A. I am in a hurry, I am.

Q. Now I am asking you to tell me the name of the vaccine which was used.

A. The vaccine was called "vaccine" and was used in the vaccine.



University of Strasborgh, requested through Wolfram Sievers of the 'Ahnenerbe' that 100 concentration camp prisoners be made available to him for experimentation on the effectiveness of spotted fever vaccines. Obergruppenfuhrer Oswald Pohl, Chief of the WVHA, had requested the number of prisoners sent to the Natzweiler Concentration Camp and the experiments were conducted by Dr. Haagen there.

"4. Again in the Summer of 1944, Haagen obtained 200 additional prisoners for the spotted fever experiments. In each case it was specifically required that the experimental subjects be in a physical condition comparable to members of the Armed Forces. This was because the vaccines were being developed primarily for the Armed Forces. Haagen was working under the auspices of the Medical Service of the Luftwaffe.

"5. I had nothing to do with the physical selection of the prisoners used in these experiments. That was handled through Amtsgruppe D of the WVHA, which had administrative control of all concentration camps. However, I do know that experimental subjects were simply picked out and assigned for experimentation. They were not advised of the danger of the experiments, nor could they refuse to go.

"6. I am not familiar with the technical details of the experiments but I know that they were carried out. Moreover, I am sure that some of the prisoners died as a result of the experiments. As a matter of fact, the experimental persons were at times not in good physical condition as requested and some of them even died before the experiments began.

"7. To the best of my recollection, Haagen also experimented on human beings at Natzweiler with other diseases such as yellow fever, influenza,

epidemic jaundice, nephritis virus and cholera.

"8. SS Gruppenfuehrer Dr. Karl Brandt, Reich Commissar for Health and Sanitation, Generaloberstabsarzt Dr. Siegfried Handloser, Chief of the Medical Services of the Armed Forces, Generalarzt Dr. Paul Rostock, Commissioner for Science and Research and Generaloberstabsarzt Dr. Oskar Schröder, Chief of the Medical Service of the Luftwaffe, certainly know of the experiments by Haagen on human subjects. These men were informed of all fundamental events in medical and scientific research and these experiments could not have been carried out without their knowledge and approval."

DR. SERVATIUS: Mr. President, I should like to reserve the right to cross examine the defendant who made this affidavit.

THE PRESIDENT: The counsel's request will be denied if it is intended as a request to cross examine the defendant, "Adolf Brandt, at this time but without prejudice to his making the request at some later date when it may be more appropriate.

MR. HARDY: we turn now to page 73 of your Honors' document book where we find Document Number NO-305 which is offered at this time as prosecution Exhibit Number 295. Here we have the honorable Professor Rose receiving a letter from Dr. Haagen addressed to Oberarzt Professor Dr. Rose, dated 5 June 1943, care of the Inspectorate of the Medical Service of the Luftwaffe.

"Dear Mr. Rose, In completion of our telephone call I received a letter today by Mr. Giroud, copy of which is attached. It reveals that not only 12.5 percent of the vaccinated animals may be used, but that this number concerns rabbits which died on account of an infection. My calculation is not right therefore but, as Mr. Giroud indicates, 30 to 40 persons are still required monthly for the manufacturing of 100 thousand doses. Best Regards, Adolf Hitler, Yours."

The reason that the signature does not appear in that these are file copies of the Haagen file which were found by the Allied Forces when they invaded and captured Strasbourg. We turn now to the next document which is



Professor Rose's answer to the letter of Haagen.

This is Berlin dated 9 June 1943. "Dear Mr. Haagen: My best thanks for both your letters dated 4 and 5 June and the prompt execution of my request. I have compiled a proposal for the Inspector," ... In this instance he is referring to the medical inspector of the Luftwaffe, and on this date of 9 June 1943 that office was held by Oberstabsarzt Hipke... Based on your original papers, which I enclosed and requested him to urge the Chief of the Medical Service of the Wehrmacht to order the production of spotted fever vaccine for all armed forces in the Western Area. I do hope we shall succeed in this matter." Now, here we find Professor Rose writing to Haagen and referring to the medical inspector of the Luftwaffe and also referring to the chief of the medical service of the Wehrmacht; that is, the defendant Handloser. They were going to order production of spotted fever vaccine for all of the armed forces in the Western Area. There is little doubt Professor Rose engaged in such a tremendous task as this and that he doesn't have complete knowledge of the activities of Haagen and is one of the primary responsible persons in connection with the program to further the production of this vaccine; namely, experimentation at Katschiller in order to secure a vaccine which can be produced in such quantity to meet the demands stated herein. I continue to read the second paragraph.

"Did you hear anything from Department I relative to its position with Mitte? (translated means 'middle or center'). It will take some time until '2 F' produces its new research order as Anthony is on a duty trip for several weeks. With best regards, Adolf Hitler, Yours signed Rose."

This document is Prosecution Exhibit 295 — pardon me, it is Exhibit 296, Your Honor. Pardon me, I haven't introduced it. It is Exhibit number 296, that is Document number NO-306.

Now, in this last paragraph, Your Honor, we find the gentleman referred to having complete knowledge of the various organizations and whether or not a new research order will be produced, and he has cognizance of the whereabouts of the chief of the medical department for research of the Luftwaffe, Anthony, and his deputy was Becker-Freysong; and I want to point out that that figure "2 F" has been the one that has been significantly referred to throughout our presentation.

We turn now to the next document, page 75. This is Document number NO-120, which is offered as Prosecution Exhibit number 297. Here we find the defendant Sievers addressing a letter to Dr. Haagen dated 30 September 1943. It reads as follows:

"Dear Professor: I confirm receipt of your request of 16 August 1943. I shall be glad to help you and have accordingly contacted the proper source to have the desired personnel placed at your disposal. Heil Hitler, signed Sievers."

This is a confirmation of Haagen's request for personnel to be used in connection with his experimental program.

The next page is document which has been previously introduced into evidence before this Tribunal. It has Prosecution Exhibit number 189. This was, if you will recall, the report, or letter, from Haagen referring to the fact that these were the urgent research tasks important for the war effort and of military importance that were listed, and I want to again call your attention to Section 2 where they referred to the subject "Typhus". We have the familiar initials, or familiar code letters of that Roman Two B which is the office of Becker-Freysong. I won't bother to read any further into this document. It has been previously explained in detail.

The next document is on page 78, one which Mr. McHaney introduced this morning, as Prosecution Exhibit Number 293, during the direct examination of the witness Schmidt; therefore, it will be unnecessary for me to read it.

However, you can recall that this is the document in connection with the procurement of prisoners for the experiments. Therefore, Your Honors, I request that you turn to Page 79 of your document book.

Document NO-122, which is offered as Prosecution Exhibit Number 298. We have here a letter dated 3 December 1943, originating from Professor Rose, which is an extremely interesting letter. It is directed to Dr. Haagen. It states:

"Dear Mr. Haagen, Many thanks for your letter of 8.12. I regard it as unnecessary to make renewed special request to the SS main Office in addition to the request you have already made. I request that, in procuring persons for vaccination in your experiment, you requisition a corresponding number of persons for vaccination with the Copenhagen vaccine. This has the advantage, as also appeared in the Buchenwald experiments, that the testing of various vaccines simultaneously gives a clearer idea of their value than the testing of one vaccine alone. With best wishes, Heil Hitler, Yours."

Now, it is obvious from the document, Your Honors, that Professor Rose has dictated the letter, and where the signature should be it says "dictated by Professor Rose and signed after his departure." It is obvious that it was dictated by Professor Rose and he was either called away on a trip or something of the like and then it was signed by one of his deputies, and the signature that was illegible but appears below the remark "dictated by Professor Rose and signed after his departure."

I want to call to the attention of the Tribunal the remarks in the first section of this letter: "I regard it as unnecessary to make renewed special request to the SS Main Office in addition to the request you have already made." There seems to be considerable knowledge on the part of the man who formulates any knowledge of the details of the work of Dr. Haagen. He was the man who knows that he knew that experimentations would be going on with human beings and there would be virulent virus used. Again he states: "I request that in procuring persons for vaccination in your experiment, you requisition

a corresponding number of persons for vaccination with the Copenhagen vaccine. Now, you can very well recall that defense counsel in the cross examination of Kogon referred to the Danish-Copenhagen vaccine in connection with Buchenwald, and in that connection he said that Rose never initiated any proposals to Mrugowsky or to the Hygiene Institute. I call the attention of the Tribunal to that sentence, and I wonder now if Professor Rose will have the same statement to make in connection in regard to the work at Natzweiler. And he goes on again, and he says: "This has the advantage, as also appeared in the Buchenwald experiments, that the testing of various vaccines simultaneously gives a clearer idea of their value than the testing of one vaccine alone." Being a layman, it may be an erroneous assumption on my part, however, I would think that such a statement would indicate that Rose was completely aware of the work at Buchenwald, and that in suggesting the testing of various vaccines simultane-



ously in order to test the efficacy of one vaccine against another, it would seem to me it would be necessary to use a virulent virus in connection with these experiments. Now, after such a letter as this, Professor Bess comes to us and tells us that he had no knowledge that a virulent virus was being used, that he was completely unaware of such a thing. I wonder.

We turn now to page 80, Document number NO-311, which is offered as Prosecution Exhibit No. 299. This is a letter from the president of the Reich Research Council addressed to Professor Haagen.

"Honored Professor: The report in triplicate which was due here last fall unfortunately has not yet arrived. At the beginning of the new year we have to render a report of the results ourselves so that we are obliged to request immediate submission of these records. We invite your attention to the fact that the lack of this statement of account may possibly effect a discontinuance of the assigned priorities.

"Short reports are requested of about half a typewritten page, avoiding all unnecessary details. Only the particular results are to be shown, not the intentions and projects. Where conditions had prevented the forthcoming of any result, give short explanation. Heil Hitler, signed by a man named 'Brewer.'" This is a letter which is obviously referring to Haagen. As you will recall in one other part of the presentation, Haagen was rather lax in some of his reporting. They are now insisting that he submit his reports so that he can continue to receive his subsidy from Reich Research Council for this all-important criminal work of his.

In this connection, we have the next document which is document NO-138, which is Haagen's answer. This is offered as Prosecution Exhibit Number 300, Your Honor. This is addressed to the President of the Reich Research Council regarding the letter of 12 January 1944. It states as follows:

"Enclosed I am forwarding three copies of a report concerning the present status of my experiments, which are being carried out with Reich Research Council means:

- "1. Epidemic Influenza.
- "2. Spotted Fever
- "3. Epidemic Yellow Fever.



"At the same time I have sent two copies of the report on 2. and 3. to the Chief of the War Economy Bureau of the Reich Research Council. Signed Dr. Haagen."

We turn to next page which is a continuation of the same Document, Your Honors, and we find the reports:

"In supplement to my report dated 14 August 1943, I beg to inform you that the research work is concerned with experiments on epidemic influenza, production of typhus vaccines, and etiological study of epidemic jaundice, pass word 'Icterus Strasburg'.

"1. Epidemic Influenza. Immunization experiments have been undertaken with a product free from bacteria, obtained from the lungs of mice. The vaccine is obtained from filtration residue and administered to human beings by intra-muscular injection in quantities of 1.10 to 1.5 cubic centimeters and at intervals of about one week. A typical reaction to the vaccine could be observed on some 200 subjects. A certain number of them showed mild forms of influenza with neuralgic and rheumatic symptoms, a mild catarrh of the upper larynx, fever and decrease in the number of white corpuscles.

"The vaccine is composed of various cultures, for example, several human influenza virus cultures and a pig influenza virus culture.

"After these encouraging observations, attempts are now being made to obtain this vaccine in a form that will permit its conservation. For this the vacuum drying process developed by me is used.

"It could be shown by experiments on animals that infected mouse lungs, when dried in the vacuum apparatus and kept in ice at minus 40 degrees, are still infectious after a year.

"The cultivation experiments on the impregnated and incubated hen's eggs have been carried on. They result in a very rapid multiplication of the virus of the egg. The virus is detectable in the vitelline sac and in the Allantois as well as in the organs of the embryo. Inoculation from egg to egg must be effected at least every two or three days for the eggs die quickly. From this egg product, vaccine is now being made and its possibilities examined in comparison to those of mouse lung vaccine.

"Experiments for the production of a live typhus vaccine are being carried on."

I want the Tribunal to note the words: "live typhus vaccine are being carried on."

"Particular attention is given to the conservation possibilities of vaccine obtained in a dried form. For this vaccines which had been stored for five or six months were used. So far, the result could be observed on eight persons. Four weeks after the inoculation, a protein agglutination contents of 1:2000 could be observed in a few cases. This leads to the conclusion that the dried vaccine can be kept a long time without losing its antigenous property. It is possible in any case to obtain with this vaccine contents surpassing in value by far that obtained hitherto with the usual dead vaccines. These experiments are made with a murfatic culture. Experiments are now being made to find out whether similar results can be achieved with Provazek's epidemic culture. The anti-infectious effect of dried vaccine will be further experimented on human beings.

### "3) Epidemic Jaundice.

"In a large number of jaundice cases, liver extracts and gall were examined for the presence of a virus. By inoculating mice with material from such patients, it has been possible so far to isolate three virus cultures. The first culture has been bred on as many as fifteen successive mice; the other two on three to five successive mice. The mice were infected and show the characteristic symptoms of a virulent disease in both the lungs and the liver. The virus can be successfully bred from mouse to mouse by intra-nasal instillation as well as by intraperitoneal injection. Intranasal instillations too result in typical alterations of the liver, when a strongly marked lean color is conspicuously apparent, while a microscopic view reveals round cellular infiltrations round the blood vessels.

"In preparations obtained from liver and lung extracts which have been colored with Victoria blue, forms are visible which, according to their size, color and shape, can be described as elementary corpuscles.

"It is now being studied whether, in the case of the virus cultures isolated so far, we are in presence of a new, independent virus, possibly a specifically hepatic virus, or rather a virus already known, such as the virus of influenza.

Heil Hitler!

(signed) Prof. Dr. E. Haagen"

This report was sent to no less than the President of the National Research Board, and clearly indicates the work of Haagen and can well establish the fact that all these high representatives of the organization, the Reich Research Council, were fully aware of his work and what it meant in a criminal sense.

We turn now, Your Honors, to page 85. This is Document No. NO-134, which is offered as Prosecution Exhibit No. 301. This is a letter -- it doesn't carry too much significance -- dated 3 February 1944, and it is merely Haagen's asking his colleague at Natzweiler the following:

Court No. 1

"At the request of your two crop doctors --", purely the work of Haggen, and here he is sending some instructors to make the care and the recording of the reports simpler. He continues and says: "I would be very grateful to you if you would send me a list of these vaccinators, stating their age and when they were vaccinated." Then he lists the names as seen in the document: Kauthen, Kramer, Rosef, Paulson, Nales, and Leo.

The next document, Document No. NO-302, which is offered as Prosecution Exhibit No. 302, is a report by Haggen to the Commander-in-chief of the Luftwaffe, dated 27 April 1944. The report refers to a letter of the 8th of January 1944, and again, Your Honors, we see the familiar code letters Roman numeral 2. B, which at this time, this date, was the office of Becker-Freising:

"The claim of the Behring Plants that the whole embryo could be used for the production of typhus vaccine from chicken eggs has been examined. The experiments were made on about two hundred eggs which were infected consecutively. The Rickettsia prowazekii and other Rickettsias of the muristic typhus variety were used as virus cultures. The vaccination of the eggs was carried out in the same way as in the preparation of the vitelline-sac vaccine. Age of the embryos at time of vaccination: 7 days; further incubating after the infection: 5 days. The embryos were then recessed separately according to the proportion of Rickettsia in the vitelline-sacs. Organic specimen tests did not reveal the presence of Rickettsia with certainty even when the findings concerning the vitelline-sacs were positive. It was the same with the total exudations of the embryos. In order to ascertain whether or not they had an infectious character, normal embryos (vitelline-sacs) were vaccinated with total exudations so as to obtain an increase even if the presence of Rickettsia-contents in the embryonic tissues was no longer traceable with a microscope. For this purpose a 5.0 ccn "Ringer" solution was added per embryo and this mixture was shaken for an hour. After these eggs had been incubated for five days, test compounds were made from the vitelline-sacs of these eggs,



Court No. 1

In no case could the presence of virus be proved through these cultures; no positive results were obtained either by using microscopes or by any other method.

"The above experimental results therefore correspond with the opinion of Professor Gilchrist, president of the Robert-Koch Institute, who rejects the possibility of using the whole embryo for the preparation of vaccine. If, however only such chicken embryos are used whose vitelline-sacs are rich in Rickettsia, the a 'lag' of the total embryonic tissue would hardly influence the quality of the vaccine, since the additional dilution obtained by the total embryonic tissue can then be disregarded. Since the degree of infectiousness of the vitelline-sac tissues used by the Behring Plants cannot be determined from here, we cannot decide, based on the examinations on hand, whether the vaccine in question used by the Behring Plants has the same effect as the vaccine prepared only from the vitelline-sacs as customary up to now. Referring to an experiment carried through by the Robert-Koch Institute several years ago, it may be left undecided whether the increase in infection obtained by the Behring Plants by using the whole embryo has not prejudiced the efficacy of the vaccine. In .../...



line with my previous findings which are being confirmed once ~~more~~ by the examination on hand, we are obliged to share for the time being the opinion of the Robert-Koch Institute which admits only the use of vaccine extracted from vitelline-sacs, for the addition of the total embryonic tissue, which is very poor in Rickettsia to say the least, would be likely to introduce a serious factor of uncertainty because of the large limits within which the Rickettsia contents are bound to move.

(Signed) Oberstabsarzt Prof. Dr. E. Haagen".

Now the next document is on Page 88 of Your Honors' document book, Document No. NO-123, offered as Prosecution Exhibit No. 303. This is dated 9 May 1944, from Professor Haagen to Hauptamt SS through his distinguished Strasbourg colleague, Professor Dr. Firt, the collector of skeletons, Anatomical Institute of the Reich University Strasbourg:

"I enclose herewith a carbon copy of a paper on our experiments with a dry spotted fever vaccine. The paper was sent as a manuscript to the chief of the Luftwaffe Medical Service with the request for permission to publish it."

I wish to point out at this time, Your Honors, that on 9 May 1944 you will recall that the defendant Schroeder assumed the job as Chief of the Medical Service of the Luftwaffe, in early '44. At this time this was the position of Schroeder:

"It constitutes a report concerning further experiments with a spotted fever vaccine which has not been made sterile by chemical agents or by heating. As may be seen from the results, it has been possible to produce a vaccine which provides not only an anti-toxic immunity but also a definite anti-infectious immunity which is of a particular practical significance. However, it is clearly pointed out that the vaccination is followed by a rather long fever reaction and therefore its introduction cannot yet be recommended. Further tests are now in progress to alter the vaccine so that, without losing its antigenic property, it will produce so weak a reaction that no general indisposition will result. These tests will be made by reducing the dose or by storing the vaccine for a longer interval.

"To carry out this research, experimental subjects will have to be needed. I, therefore, again request that subjects be furnished to us for this purpose. In order to obtain results which are exact and which can be statistically evaluated, I ask that two hundred persons be furnished to us for inoculation. I may point out that they must be in a physical condition like that of members of the Armed Forces.

"It is highly desirable that I again be permitted to carry out these experiments at Camp Mawellor.

(Signed) Prof. Dr. E. Haagen.

This is Haagen's second request for inmates to be used. Defense will bring up, and it is quite obvious that this letter apparently indicates the use of a virulent virus did not appear. This letter would indicate that this was merely experimentation with the vaccine and vaccinations were made. However, we want to impress upon the Tribunal that the major defense on the part of these defendants will be the absence of a virulent virus. We have had several witnesses here to testify on the preliminary evidence introduced today that is conclusive enough to show that these experiments were not of the nature that they so state.

turn again to the next document, page 83 of your Honors' Document Book and in this connection here friend Volfram Sievers writing to Dr. Hirtel. This document is NO 008 and it is offered as Prosecution's Exhibit A-304, dated 19 May 1944. Subject -- This letter is addressed to Oswald Pohl. I am sorry, the letter is addressed to Oswald Pohl. You will recall that Dr. Lolling was mentioned considerably in the testimony of Kegen. This was the man that was in the place from four to six weeks.

"To the SS-Obergruppenfuhrer and General of the Waffen-SS LOHL Chief of the SS-Economic Administration (Main Office). Subject: Production of a new type of spotted-fever vaccine. Letter of 25 October 1943.

"Dear Obergruppenfuhrer:

"In compliance with our request of 30 September 1943 you approved on 25 October 1943 the carrying out of experiments for the production of a new type of spotted-fever vaccine, and for this purpose transferred 100 suitable prisoners to Ratzweiler. With the assistance of the Chief of Office D-III SS-Standartenfuhrer Dr. Lolling, who was acting in your name, the experiments have so far been carried out with the greatest success. From the findings of the report on hand it can be seen that success has been achieved not only in gaining an anti-toxic immunity with this serum, but also -- which should be of the greatest practical importance -- a pronounced anti-infectious immunity. The injection, however, is not followed by a fever-reaction of a fairly long duration, so that its introduction for protective injections in the present form cannot be put as recommended. More extensive investigations have been initiated now in order to convert the vaccine to the extent that, whilst fully maintaining its anti-toxicity, the reactions caused will be at most, that a considerable deterioration of the general condition will no longer take place. We wish to test if this can be achieved by lowering the dose of the vaccine, as well as by storing the vaccine for a longer period.

"The new vaccine is already in process of manufacture, so that further experiments could be immediately started if further suitable persons are available for experiments. I request therefore that you transfer one or two prisoners to Ratzweiler for this purpose. In order to achieve results as exact

as possible and also statistically valuable, 200 persons would have to be furnished this time for injections. It is again necessary, however, to test the latter by physically in such the same condition as members of the "Ahrn-acht". Should there be urgent reasons why 200 experimental persons cannot be transferred to Natzweiler, then these experiments could be carried out in their concentration camp, even though this would create the greatest difficulties. In that case the overcoming of these difficulties would have to be the task of the scientists employed, although they are, at the same time, under contract to Strasbourg University for their lecturing work, as the results which are definitely obtainable are of the utmost importance for maintaining our soldiers in good health.

"As I have reported to you, the direction of the experiments lies in the hands of the Director of the Institute of Hygiene of the Reich University of Strasbourg, Professor Dr. Hogen, Chief Medical Officer (Oberstabsarzt) and consulting Hygienist to the Air Force, who was charged with this task by the Reich Marshal, President of the Reich Research Council. According to regulations Dr. Hogen must report to the Chief of the Medical Service of the Air Force concerning his work, in connection with which it must be mentioned with whose support the work is being carried out, and, first in the first place the Reich Research Council, and secondly the SS. I request your decision of one of the following as to the supporting agency of the SS:

- (a) The Reich-leader SS
  - (b) The SS-Economic Administration Main Office
  - (c) The Institute for Military Scientific Research / of "Wehrmacht-SS."
- That's the VRA.

JUDGE SEERANG: Mr. Hardy, will you please read the last line? And you are reading from the original or reading from a translation?

MR. HARDY: I am reading from a translation.

JUDGE SEERANG: I wish that translation.

MR. HARDY: The correction is in the middle of the page. It says "Secondly, page 2 of the original."



JUDGE SEBRING: No.

MR. GARDY: The very last item.

JUDGE SEBRING: "I request your decision of one of the items, is it to be named as supporting agency of the SS." I shall like for the German translator, if I may, if he has the original German, to translate that.

INTERPRETER: "I request for a decision whether the supporting agency shall be designated as SS."

"(a) The Reich-leader SS

(b) The SS Economic and Administrative Office

(c) The Institute for Military Scientific Research of the Waffen-SS."

K. BROWN: I think one could do better if the word "of" was changed to "which" or "in". Item 15 page 1 in document - from the same document and we see a copy was sent to SS Gruppenführer Dr. Brandt and Rudolf Brandt for information. He received and the initials appear. Turn now to page 22, four lines, Document Number 10-409. It is referred to by exhibit as Exhibit A. 305. This is a letter from the Reich-leader to the Gruppenführer dated 3 June 1944.

"Subject: Production of a new type of incision material for spotted lever.

"Der Kommando Sievers:

"Many thanks for sending me the copy of your letter of 15 May 1944 to SS Gruppenführer Pöhl. I have informed the Reich-leader SS, the latter being of important concern. As to the question of the SS being named as supporting agency of the SS, the Reich-leader Sievers is of opinion that the SS Economic Practical Research of the Waffen SS should be mentioned. However it might then also be mentioned as SS - especially fostered and experiments.

End letter!

Sign: Rudolf Brandt."

These two letters, your Honor, I wish the Imperial Tribunal to be aware of for their history, also to try if that is not a work.



So will also later that all of these examinations, whether they are the  
Reichs Research Council of the Luftwaffe, or the Wehrmacht, or the SS, or  
whatever they may be here, during the time of the experiments they will have  
to see us of securing the good-will and the cooperation for the work  
and here now they are consistently doing it. So turn now to Document 127.  
You will find in the Document Book, your Honor, that pages 92 and 93 are  
the same documents which have previously been put in evidence or if you  
will turn to page 94, this document No. 30-327. It will be offered as Pro-  
secution's Exhibit No. 309, dated 27 Jan. 1944. It's a letter to Professor  
Hirt, Anatomical Institute of the University, Strasbourg, it's a letter  
from Hirt to Professor Hirt.

"Subject, The tests of my vaccine for typhoid fever.

"With reference to and in explanation of my document of 17 May  
1944, I wish to advise you that after the vaccination itself no individual reaction  
as was observed in the preliminary experiments, is expected so that there  
should be little or no interruption of work.

"However, in the subsequent inoculations with virulent typhoid fever  
which are to be made for the purpose of testing the protective vaccine, one  
must count on sickness particularly in the control group which has not  
received the protective vaccine. From these inoculations one should  
in order to establish unequivocally the effectiveness of the protective  
vaccine. This time 150 persons will be used for the protective vaccine  
and 50 for the control inoculations.

"I should like to point out again that it is necessary that these  
experiments be carried out in a manner which is physically and technically comparable  
with the experiments of the Wehrmacht.

Hall Gitter

Signed: Professor Hirt.

Dr. HENRY: Now you will recall I mentioned in connection with one of the documents it did not indicate whether or not there was any use of the spotted fever virus. They requested these prisoners to be brought out there merely to test their vaccine, but now we have a letter from Dr. Henson himself clearly outlining to his colleague Kirt as follows: In the second paragraph:

"In the subsequent inoculations with virulent  $s_1$  the fever reaction to be made for the purpose of testing the protective vaccine."

We also see that they are similar with the Central Group which was mentioned by Dr. Henson, the one which was at Bucharest, the witness Kagan stated that "Results in ninety-five per cent fatalities," I turn now to Document Number 80-126, which is offered as prosecution's Exhibit No. 307. This is dated 7 July 1944. This is another letter on the same subject in connection with Henson. It is an approval of the work of Oberstarbstrat Professor Dr. Henson and Dr. Kirt.

"Experiments with a new type of typhus vaccine in Report.

"To

"Air Force Physician, Mich.

"There are no objections to the results of the experiments. However we call attention to the fact that the preliminary and infection results in Group 1 and 2 differ from the actual prophylactic vaccination results concerning typhus and it is difficult for the reader to evaluate. In examining typhus vaccine with regard to results and the presentation of the vaccinated individuals is very by various curves from the fever-curves of all experimental subjects on one side and of the control persons on the other side. Supplementary to these fever curves the number of persons that fall ill or observe a certain temperature is given. Had it been better if both the first and second had been considered up to the time when the complete and constant absence of fever of all experimental subjects was recognized."

We will have the signature of Oberstarbstrat Dr. Henson. Date of the letter full approval. Forwarded to Oberstarbstrat Dr. Henson, enclosure of

one manuscript on the initials "AB", but here we have the original history of the Luftwaffe which on the date you will notice in 1944 after the Defendant Schroeder had taken over as Chief of the Medical Service of the Luftwaffe, approving the publication of this letter and the letter clearly indicates that this publication or report was sent for approval was being dealt with the experiments which were conducted on human beings when the Control Group was used. We see down here about nine or ten lines starting with the words, "Of the control persons on the other side."

We turn now to the next Document, Ex. 97. It is Document Number NO 129. This is offered as Prosecution's Exhibit 3. 303. It is a letter from Dr. Hirt to Hansen dated 19 September 1944. Further on, Your Honor, there seem to be two titles. Was I not the original? (Original is handed Prosecution Counsel). The original contains the date of 10 July as the date underneath. It is dated 10 July 1944.

"Professor Hansen:

"My Dear Colleague:

"The Reichsfuehrer SS requests that your publication contain the following paragraphs:

"Research was conducted of order on with the assistance of the Chief of the Medical Service of the Luftwaffe as well as with the assistance of the Reich Research Council (Reichsforschungsrat) as was furthered by the SS Reichsfuehrer SS personally as well as by the SS Economic and Administrative Main Office, and the Institute for Military Scientific Research of the Waffen-SS."

Here we are, your Honor, again, first of all by notes that we credit it to the work conducted by Hansen that they state here that the Reichsfuehrer SS requests that they state that the research was conducted by order and with the assistance of the Chief of the Medical Service of the Luftwaffe, the Defendant Schroeder with the assistance of the Reich Research Council, an organization in which some of our defendants in the dock were members of, Ernst G. Rostock, and also a number of others. Also the SS asks

for their usual compliments. We turn now to the next Document in page 98. It is Document Number NO 131. It is offered as Prosecution's Exhibit No. 393, dated 29 August 1944, coming from the high command of the Luftwaffe, Chief of the Medical Service, Office of the Defendant Schroeder, subject: "Spotted fever research order."

- This is addressed to (1) Chief Staff Surgeon, Professor Dr. T. Hagen, Institute of Hygiene of the Alsace University of Strasbourg.
- (2) Science and Research Group of the Medical Academy of the Luftwaffe.
- (3) Chief of the Medical Service of the Luftwaffe, Lt. General.

"I. The research dealing with the typhus fever victims from vitelline and cultures is to be continued. Therefore the 4,000 RM requested for the research fund are being placed at your disposal."

Now, this paragraph concerns "Chief of the Army Medical Service." I want to point out the translation is erroneous. It's "Chief of the Wehrmacht Medical Service" or "Chief of the Armed Forces." At that time there is quite a discrepancy because Dr. Hagedorn is no longer Chief of the Medical Service of the Army. He dropped that position in 1942 and continued on as Chief of the Medical Service of the Wehrmacht and this next paragraph should read as follows:

"II. A decision as to the establishment of a vaccine manufacturing plant cannot yet be made because the Chief of the German Medical Service, who alone is competent to decide upon the requirement of vaccines has not yet taken a stand in the matter."

"III. Please advise whether it can be assumed that the spotted fever epidemic prevailing at Natzweiler is connected with the vaccine research."

"IV. The report of 21 June 1944 in which the investigation of Natzweiler was mentioned should have been kept secret. In the future this procedure is to be as follows."

The signature seems to be illegible. The signature of Dr. Hans Kahn who was Chief of Staff for Schroeder. Dr. Schaney has no other than to point out



in connection with the translation of this document. You will notice on the letterhead or the heading of the letter it says "High Command of the Luftwaffe, Chief of the Medical Service." And it says, "Code designation." That code designation contains our familiar letter Roman Numeral two -2A. That is also the office of Becker-Freytag. I want to point out in this letter, Your Honors, that here until it is made that the decision of the Chief of the Wehrmacht Medical Service has not been obtained and that he alone is competent to decide upon the procurement of vaccine. Now, this research work and its entire experimental program was initiated in the first instance by the Defendant Handloser when the conditions in the East started to exist and here now no less than the Luftwaffe is stating that they looked to the Medical Service of the Luftwaffe for a decision. Again we notice in paragraph three it says: "Please advise whether it may be assumed that the spotted fever epidemic prevailing at Weimar at present is connected with the vaccine research," But it goes on to state that this letter is signed by a Deputy of Schroeder. Now from such a remark as this it is quite evident that the writer is fully aware of the fact that a virulent vaccine is being used in connection with the experiment. He is concerned and wants to know whether or not they have been careless and exposed by the use of the virulent vaccine an accident as happened which exposed the epidemic at that time prevailing in the concentration camp itself apart from the experimental work. He turns now to Document Number NO 112.

THE PRESIDENT: The Tribunal will now recess.

(A recess was taken).



THE CLERK: The Tribunal is again in session.

MR. HARDY: Your Honor, it has just been called to my attention that upon completion of the presentation of the Typhus Experiments we will then proceed with the presentation of the evidence in connection with the mercy killings or the Euthanasia Program. I did not have the opportunity to contact the General Secretary and ask him to have the books ready for that time. I suggest now that we continue with this presentation, and recommend that the books be brought to you as soon as they are available; that is, if you have not already got them.

We will now turn to page 99, which is Document No. 132, and which is Prosecution's Exhibit No. 310. This is on the letterhead of Chief Staff Surgeon, Professor Doctor A. Haagen, Strassburg, and it is to the High Command of the Luftwaffe, Chief of the Medical Service, Sadow, Post Zossen-Land. The subject is: Spotted fever research order.

"Reference: Your communication dated 29 August 1944." And, in reference to the code designation: In addition to the other letter to Kommandant II A, the office of Becker-Freyman appears thereon in the original.

"In reply to communication of 29 August 1944, paragraph III, we hereby inform you that no connection existed between the cases of spotted fever in Metzweiler and the examinations dealing with the spotted fever vaccine that is to be tested. In these cases it is rather a question of illnesses that have been carried in the camp from the outside. They have no influence on the course of the investigation."

This is apparently a clarifying letter to the incursion of the chief medical service of the Luftwaffe in previous documents.

It now turns to Document Number NO-133, which is offered as Prosecution Exhibit Number 311, dated 21 October 1944, from Haagen, Camp Surgeon of the concentration camp at Dachau, Bavaria.

"Dear Comrade: I have instituted spotted fever research at the Natzweiler Concentration Camp. The Dutch prisoner drew up the fever curves for this investigation and, according to information from Dr. Rode, took those curves along. It was agreed that those curves which were also prepared for me would be sent to me after the termination of the investigation. I kindly request that you send them to me and, moreover, to my alternate address: Durlazert der Luftwaffe (8) Oberschrieberhau in the Riesengebirge.

"We note the asterisk in connection with the Dutch prisoner, and, at the bottom, the name 'Crediet (physician) appears. In the testimony of the witness Schmidt the Tribunal asked whether or not the prisoner as excepted was a Danish prisoner, I believe. This is a Dutch prisoner who assisted Haagen in his work, another doctor.

"It now turns to Document Number NO-135 in answer to the letter of Haagen. We offer this as Prosecution Exhibit Number 312, dated Dachau, 30 October, 1944. "In reference to your communication of 21 October 1944, I inquired of the Dutch prisoner physician (Crediet) concerning the fever curves desired by you; and enclosed I am sending you the fever curves which are on hand here. According to C (or Crediet), the original curves are still at Concentration Camp Natzweiler, Block 8, Diphtheria Room. Heil Hitler, the 1st SS Camp Surgeon, Concentration Camp Dachau."

The next document on Page 102 of your Honors' document book is NO-136, which is offered as Prosecution Exhibit Number 313, dated 16 November 1944. This is a letter about curves and apparatus to the chief surgeon at the Natzweiler Concentration Camp. "Dear Colleague: To my great surprise I note that in spite of several requests the following apparatus:

- "1 Autoclave
- "1 Steam vessel
- "1 Round dry sterilizer

loaned to you or your predecessor, Dr. Flatz, have not yet been sent back. Due to the bomb damage to the institute, I now have urgent need of the apparatus. I wish to remind you of the fact that this apparatus was not delivered for my investigations in Strasbourg but for the use of the Camp Surgeon. I must admit that I was greatly astonished that my desire has not yet been complied with and that we are not yet in possession of the apparatus. I therefore request that the apparatus be sent back at once.

"In regard to the fever curves I have addressed the Camp Surgeon at Aachen. He informs me that the fever curves are still in your possession. Since these fever curves were prepared especially for me and since I need them for making a report to the Reich Fuehrer SS and the Reich Minister of the Interior, I again request that you send me these curves immediately."

Now, your Honor, on page 103 we have Document Number NO-883, which is offered provisionally as Exhibit Number 314. This is an affidavit.

MR. OTTO WILTE: Counsel for the Defendant Hans Frank. The prosecution is about to submit an affidavit of Olga Eyer. I object to the use of this affidavit on the basis of the translation which I have, assuming that the original corresponds to the translation. If, Mr. President, you will read Document 883, you will find that the last sentence does not say to whom this statement was made and before whom it was sworn. The last sentence reads, in the translation which I have here, "In Strasbourg on the 10th of November, 1946, sworn and signed. (Signature) Olga Eyer." There is no other indication about the statement; it is followed only by the translation certificate of the 20th of December 1946.

I believe, therefore, that this document as it is given here is not admissible evidence according to Article 7. The last sentence in the statement reads: "I had to make some changes." It seems to me to require clarification for what reason the witness had to make changes. The statement itself on the second page of the German translation contains the following sentence: "I admit that I also had to send reports to the OKW, The High Command of the Wehrmacht." In the sentence preceding this quotation and the sentence following the quotation, it seemed to me in fact that this is an

addition which was made for reasons of expediency and which I can explain only if the witness is here personally.

In the last paragraph the witness says that her testimony consisted of two pages. In the translation which I have here, in the middle of the second page, it says: "Page 2 of the original," so that I must assume that the statement as made by the witness Myer consists of two pages.

Whether this is of any significance can be settled only if the witness appears here. For that reason I request that the witness be called personally in order to clear up the various objections which I have presented.

MR. KANS PRIBILLA: Mr. Pribilla for the defendant Prof. Rostock. I join in the application of my colleagues before for material Page 4. On the second page of the document the Byer affidavit contains a direct charge against my client, Prof. Rostock. It is said here that Hagen received a subsidy from the Reich Research Council for his experiments and that the correspondence was signed by Rostock. It is also said that Hagen was in touch with Rostock. These two claims have not appeared as yet in any form, neither in that the prosecution has asserted that Rostock was on the staff of the Reich Research Council, nor has the prosecution as yet submitted a document which might allow one to conclude a correspondence with Hagen.

If the correspondence is not available and this affidavit is taken note of by the Court, then we could conclude that Rostock was ignorant of what Hagen did. Then it could be seen a scientific correspondence on quite another subject. For that reason I consider it important to ask the Tribunal to call the witness for cross examination.

MR. TIPP: Mr. Tipp for the defense counsel of the defendant Schröder. Mr. President, I join in the statements of my two colleagues. I also consider it absolutely essential that the witness appear here personally so that certain contradictions arising from documents hitherto presented may be cleared up. On Page 2 of the German translation the witness says that every three months reports on the experiments went to the head of the Inspectorate of the Medical Service of the Luftwaffe. Such reports have not yet



been presented by the prosecution. If those reports are not available, if there is only this testimony of this witness, the Court will have to conclude that the head of the Medical Service of the Luftwaffe, the defendant Schroeder, or his agent was informed about the details of the experiment.

These points are of decisive importance for the defendant Schroeder, at least for this point of the indictment. Therefore, I will have to cross-examine the witness. Therefore, I request that the witness be called to the Court.

MR. HAN Y: If it please the Tribunal, the primary problem seems to be one of translation. This document, the original, is in the French language; and it has been translated into English as well as into German; and obviously some of the German translations are rather loose.

However, I wish to pass it on to the Tribunal for consideration. I want to point out that the changes referred to are initiated by the affiant. The document was typed and composed by the investigator of the staff and then the affiant read it over and placed her initials wherever she corrected it. I do admit that the oath word does not appear in the German translation, which is another error on the part of the translation department; but it does appear, however, on the original and in the English translation. I do concede that there is a mistake in regard to the language of the French language; and it would be necessary that I contact Mr. Feyerher. I am sure that it must have been a typographical error or an omission. I can have that rectified.

As to the attack on the part of the defense so that they desire to cross-examine the witness, we have not been able to bring her here to Hamburg; and I submit that it might be feasible to carry out an order similar to the one of the Tribunal this morning and interrogatories may be sent and she may answer same and return back to the Tribunal or to the defense counsel.

THE PRESIDENT: What reason is there, Counsel, that the witness cannot be brought here from Strassbourg to testify in person before the Tribunal?



MR. HARRY: Just a moment, your Honor, I'll have to consult with Mr. McManey about that. He has more of the details.

MR. McMANEY: If the Tribunal feels that it is desirable to bring Miss Ayer here, we shall endeavor to do so. It may be a bit difficult to get her here before we complete the remainder of our case in chief. Consequently, I would suggest if the Tribunal feels that it is imperative to have her brought here that the prosecution be permitted to read into evidence this affidavit while reserving the right to put additional questions to Miss Ayer if she comes to Harborside and takes the stand. In other words, we shall go ahead and put in our affidavit now; and then when Miss Ayer is brought here, which will probably be after the completion of our case in chief, the prosecution can be given the right to initiate the examination of the witness. After we have rested on our examination, then she can be cross examined by the defense counsel.

THE PRESIDENT: In any event the translations of the document apparently need revision; the translation into German; possibly the translation into English.

MR. McMANEY: I don't think there is any serious difficulty about the German translation. They were pointing out certain conflicts apparently; but I do not think they run to the substance of the document itself.

THE PRESIDENT: Apparently the document does consist of two pages.

The only portion signed by the witness on the second page except for the verification and the swearing to the document, there are no statements of fact apparently on the second page.

MR. HARDY: That is correct, your Honor. I might add, your Honor, that if we could possibly -- the English seems to be a comparatively good translation by Mr. Fardachet. The German is translated by another translator conversant in the French and German languages, and reading the English into the records from the translating unit here may provide a better translation for the purpose of Defense Counsel.

THE PRESIDENT: It might be of assistance to Counsel and Tribunal if the translators would read the top paragraph on the second page signed by the affiant. Translate that both into German and English. I would like to hear the English translation on it.

MR. HARDY: Does the Translation Department have anyone conversant in French there at this time?

THE TRANSLATOR: "I have carefully read the above deposition; it consists of one page. I can say that it constitutes a correct and truthful deposition. I have made this deposition freely, and I have not been promised any reward for it. I had an opportunity to make changes and corrections in it. Sworn and signed at Strasbourg 18 November 1946. Olga Ayer."

THE PRESIDENT: This translation simply calls attention to the fact that the affiant had the opportunity to make changes. The translation does not say that she desired to make any changes in it. Some changes, slight changes, in the affidavit are noted, but the certificate merely states that the opportunity was afforded the affiant to make changes.

It seems to me, Counsel, that this witness, in view of that she  
7 stated

in the affidavit concerning certain of the defendants should be brought to Nuremberg to testify before the Tribunal, if possible.

MR. HARDY: The prosecution will make every effort to carry out that request, your Honor. At this time, your Honor --

THE PRESIDENT: I understood Counsel for the prosecution to say that this phase of the case would be completed this afternoon.

MR. HARDY: That's correct, your Honor. We have the presentation of the typhus experiments. The document book here should be completed this afternoon. We have a more twenty pages to complete.

THE PRESIDENT: I am not sure from the arguments introduced by Defense Counsel whether they had other objections to the translation. Would it not be feasible to postpone the reading of this affidavit till tomorrow. Take it up then out of order if you proceed with something else this evening. In the meanwhile, the translation can be verified. The entire translation of the document from English into German can then be verified.

MR. HARDY: Yes, your Honor. I turn now to page 106 of your Honors' document book which is Document NO-885, which is offered as Prosecution Exhibit 314. This is an affidavit. It reads as follows:

"I, the undersigned, Dr. Victor August Schuch, depose and state:

1. I was born on April 23, 1914 in Hunzberg and am a French citizen. I attended the high school in Schlettstadt and the University of Strassbourg, where in the year 1938 the degree of Doctor of Medicine was conferred upon me. My special field is bacteriology.

2. After I had practiced with various professors, I was in 1941 named Scientific Assistant in the Aerial Research Station which was located in the

Court No. 1

Hygienic Institute of Strasbourg University. The head of this Institute from earlier 1943 was professor Eugen Haagen."

THE PRESIDENT: I believe your translation reads "1942", Counsel.

R. HARRY: Pardon me, your Honor, Pardon me. "He was Oberstabsarzt and Hygienic consultant of the Luftwaffe. As I was from the end of 1940 a member of the underground Communist Party and as I was interested in the fate of my comrades imprisoned in Metzweiler and Schirneck, I tried to get information about Haagen's activity. Haagen had explained himself -- it was an open secret -- that he had the intention of carrying out experiments on prisoners in Metzweiler and Schirneck.

3. I commissioned Mr. Robert Meyer, who was Administrator of the Institute and belonged to a resistance group and who had a lot to do with Haagen and his Assistant, Dr. Grafe and was on good terms with these two to spy on their activity in the two concentration camps. Meyer was specially able to do this job because Haagen had cattle in the Institute, at the cost of the State, for experimental purposes, but in truth he had them for his own table, and he counted on Meyer for the illegal butchering of these cattle. With Grafe, too, Meyer had come to a rather good understanding.

4. From 1942 until 1944, that is, until the departure of Haagen from Strasbourg, I received from Meyer correct information about Haagen and other important information concerning other matters through Meyer, too. I have known of him as an absolutely reliable character and, for this reason, I can credit the truth and rightness of his information. Meyer was killed during an air raid in September 1944.

5. Early in 1943, Professor Haagen asked me to study with the well-



Felix reaction about thirty blood tests which he gave to me. I remember well that all the names had a Slavic sound with the exception of the names Buck, Scholff and Hirtz. This reaction requested by Haagen could only concern a spotted fever research. Grafe told me that this concerned itself with measures to standardize experiments with Haagen's vaccine.

6. In the beginning of 1944 after a long absence from Strasbourg, I visited Mr. Meyer to get some information from him. On this occasion Meyer told me that Grafe had in his presence admitted that Haagen had tested this new vaccine initially. Later, though, they infected prisoners of concentration camps with living spotted fever virus.

7. I knew that the researches described under 5, were made in the concentration camp of Schirmeck and that Grafe took a direct part in all of them. Haagen and Grafe spread the rumor in the Institute that nobody should have any thoughts against these experiments since no Aleutians but only Poles were used as human guinea pigs. From Meyer I have learned, too, that Haagen together with Professor Hirt made some trials of combat gas (Kampfstoff) (lost) in Natzweiler on Jewish prisoners.

8. Haagen let it be known to all personnel and even to the charwomen that everything they learned either officially or unofficially must be kept very secret and that a break of this secrecy would be punished very severely. I knew that from the people who used to work there."

This affidavit, your Honor, gratefully corroborates the documentary evidence read in the record here today. I now turn to Document number NO-304 which will be offered as Prosecution's Exhibit number 315. This is dated 22 November 1946 in the English translation. That is an error. The original is 22 November 1942. This document concerns —



9 January 1947-A - 20-5 - IJB - Putty

JUDGE SEBRING: 22 November?

MR. HARDY: 22 October 1942. 22 October 1942. This document, your Honors, concerns the yellow fever work. This is addressed to the Inspectorate of the Medical Service of the Luftwaffe, who at this time was Hiepke, regarding research orders:

"For the establishments of the research laboratories of the Hygienic Institute the apparatus named on the enclosed list was ordered about a year ago at the firm Franz Bergmann and Paul Altmann in Berlin. As I am now informed by the firm that there is no possibility of manufacturing and, therefore, no possibility of delivery unless the apparatus is indicated on the SS-priority list. Since the apparatus is all needed by L. In. 14 --" the familiar code letters of the signature of Anthony -- "for the fabrication of vaccine it is requested to grant this priority to the firm Bergmann and Altmann for the execution of the order.

"Furthermore, it is requested to place at disposal permits for --" I have a letter out of my book here. "Furthermore, it is requested to place at the disposal permits for iron in the smallest possible tickets for the current procuring of smaller appliances made from iron, as, for instance, wire appliances for animals' cages, racks, small tools, etc. at the moment 100 kgs. are wanted.

"At the same time a new sketch for the direction of use is submitted which is to be enclosed in the packages of yellow fever vaccine with the request of quick dispatching so that the direction for use might be printed now." signed, "Stabsarzt Professor Dr. Eugen Hiepke."

Now, in this connection as part of the same document we have the

attachment mentioned, "Direction for use for the yellow fever vaccine matter of the Hygienic Institute of the University of Strasbourg. Attenuated live yellow fever virus from mice brains. Contents of Package: 1. glass tube of dried vaccine (color ranging according to blood composition of brains, from white to reddish.) 2. glass tube containing 2 ccm. distilled, sterilized water." Continuing on to name the contents of the package, we have the section on the preparation of the vaccine. It gives us the detailed information which would be of interest to the Tribunal, but I refrain from reading it here.

The third section is the process of vaccination. "One package provides fifty inoculations. Use a sterile point for each inoculation. Vaccination is administered on the upper arm like vaccination against smallpox. Cleanse arm with alcohol, ether or spirit (not with tincture of iodine.) Dip vaccine point in tube, superficially scratch skin and thoroughly rub in vaccine with point. Let it dry. No bandaging. After use, the vaccine should be rendered harmless by boiling or by dipping tube into a liquid disinfectant. The vaccination is not followed by skin reactions. General symptoms are usually absent. Occasionally, mild headaches or physical discomfort occur. Any serious reactions, especially manifestations of jaundice or albumin must be reported immediately to the Health Inspectorate through official channels, mentioning Op. No."

Now we turn to the next page, 112, document number NO-297 which is dated 14 July '43. This is offered as Prosecution's Exhibit No. 316. "Subject: Research Order for Yellow Fever Vaccine," and here in the reference we see again our familiar code letters, L. In. 14, and then in parenthesis "2, Roman Numerical II, 3." At this time it was Anthony addressed to Staatsrat Professor Dr. E. Haege:

"The Inspectorate of the Medical Service of the Luftwaffe requests discontinuance of the further current production of yellow fever vaccine and of the formerly prescribed availability of 50,000 portions of vaccine.

"It is, however, requested to keep the equipment (animals, yellow fever cultures, instruments, stock of wrapping material and vessel for consignment, etc.) ready for use so that it may be possible at any time to restart production of yellow fever vaccine to the formerly provided extent on order of L. In. 14.

"The Inspectorate requests the continuance of the work for the technical development of the procedure of vaccination and of the production of vaccine."

Now a copy of this letter was sent -- it shows on the document this information -- to Physician for Air Fleet 3, Air Gen Physician VII, Reference 4, Professor Bone.

In this connection, we have the next Document, which is very interesting on yellow fever, No. 139, offered as Prosecution Exhibit 317. This is dated 7 March 1944. It is a letter from the High Command of the Navy, Dr. Grunske, addressed to Dr. Haagen at Strasburg:

"In connection with my letter of 26 February and your long distance telephone call of 6 March, I must advise that the Japanese Oberstabsarzt has in the meantime contacted Oberstarzt Professor Dr. Rose of the Luftwaffe Medical Service and that the latter has promised to secure for him from Strasburg all the accounts concerning the yellow fever virus experiments which are important to him. Therefore, Oberstarzt Dr. Rose will give you further details. I therefore ask that the matter be considered closed between us."

Here we have Professor Rose aiding the Japanese doctor in securing all the accounts concerning the yellow fever virus experiments. The fact that Professor Rose would give all of the accounts of the yellow fever virus experiments to the Japanese doctor indicates he must have been in pretty close contact in order to fulfill this request.

We turn now to the next document, Document No. 310, which is offered as Prosecution Exhibit 318. This is dated 19 April 1944 and is from Haagen:

"Subject: Production of Typhus-vaccine.

"To: Air Fleet - physician Reich.

"Enclosed herewith I am submitting the copy of a letter I addressed to the Reich Minister of Aviation and Supreme Commander of the Luftwaffe, wherein I suggested the establishment of a Typhus Vaccine Production Center at the Hygiene Institute of the Reich University at Strasbourg."

Then, "Subject: Production of Typhus-Vaccine," Addressed "To the: Reich Minister of Aviation and Supreme Commander of the Luftwaffe,



Quartermaster-General Chief of Medical Service of the Luftwaffe," who was at that time the defendant Schroeder.

"The following suggestions are made regarding the establishment of a production station for Typhus-Vaccine for the Wehrmacht at the Hygiene Institute of the Reich University at Strasbourg, based on a monthly production of vaccine for 100,000 persons."

Now, the next page contains merely what is necessary to set up the institute: linen, tools, furniture and the like. We pass on to page 117 of Your Honors' Document Book, at the bottom of page 3. It pertains to Specialists concerning personnel:

"1. Specialist-Bacteriologist for assistance and replacement during my absence, on trips in connection with my duties as consulting hygienist. He must be able to take over all responsibility so that this work may continue undisturbed. I am considering Staff Physician Dr. Kairies, assistant Professor and lecturer at the Halle University, for the time being attached to a Panser-Army as Consulting Hygienist. Staff Physician Kairies has been on active duty since the beginning of the war, according to his statement replacement is available. I have already contacted Herr Oberstabsarzt, Lecturer Dr. Schmidt of the Office of the Chief of the Medical Service of the Wehrmacht on this subject. Will you please request the release or detachment of Dr. Kairies through the ordinary channels?"

You will note, your Honors, that Haagen here states he has contacted the office of the defendant Handloser and contacted Dr. Schmidt, who was subordinate of the chief of the Medical Service of the Wehrmacht, defendant Siegfried Handloser. We also requested some technical assistants, which are listed and he states:-

The above-mentioned assistants according to Staff Physician Kairies are especially skilled for the work planned. The other two technical assistants should be assigned directly by the Wehrmacht. He needs one skilled assistant chemist to be also assigned by the Wehrmacht and one junior assistant to help the assistant chemist.



He continues to state the other personnel required. At the bottom of the page, the last paragraph No. IV, same page No. 118, he states:-

In order to be effective the production center must be declared a war essential industry. The costs are to be met by the Wehrmacht. All expenses the Institute has to bear in the course of the production of the vaccine are to be repaid by the Wehrmacht. The personnel status will be kept by the Wehrmacht. The rooms are placed at disposal by the University of Strassburg. The costs for water, current and gas are charged to the University."

Here is Haagen proposing the establishment of a vaccine production institute, which is based on the results of his experiments, which are done for the benefit of the Wehrmacht. He states that the brunt of the cost will have to be borne by the Wehrmacht.

The next Document in this Document Book, No. 130, Prosecution Exhibit 319 concerns a Report on the Successes with T.A.B.- Chol. Vaccines, dated Strassburg, 4 August 1944. The subject is:

"OKI, Chief of the Luftwaffe Medical Service.

"The following T.A.B.-Chol-Vaccines were used:

"02-03, 10, 30 and 220, the latter obviously pertaining to a number from 1 to 10.

"It appears that no strong reactions were produced by Nos. 03, 05, 10 and 30. One unit reported 1 to 2 days absence from work as a result of 05, which would seem to indicate a strong or general reaction. The units which were vaccinated with 03 had reactions of the most extreme form: temperatures rose to 41° C. A large number of those vaccinated were unable to work for two to three weeks. One unit reported 60 to 70 per cent bedridden with a corresponding decrease in employability. Furthermore, nausea, vomiting, shortness of breath and paralysis of the lower

extremities were reported. Concerning No. 04 there are varying reports: some raise no objection to it; others state that it was generally agreeable with only slight local reactions. Three units, however, reported more pronounced local and general reactions with rising temperatures; one unit reported that almost all those vaccinated had more pronounced local and general reactions; however, there was no effect on employability.

"Nos. 06, 07, 08 and 226 resulted throughout in such strong reactions that their usability is questionable. No. 06: in one unit a loss of one day by 5 to 7 per cent on account of fever; in one unit 90 per cent fever up to 38.5 C, and loss of one to two days; in one unit 90 per cent very strong local and general reactions; in one unit even 30 per cent. Furthermore, one unit reported 90 per cent local and general reactions, with fever up to 40 per cent. Particular phenomena reported were ulceration and several cases of chills. Such strong local and general reactions occurred throughout one unit after the first injection, with temperatures from 39-40 C up, that the troop doctor did not continue and complete the vaccination series. Only a few units reported no particular reactions. No. 8: a large number of units reported up to 40, one to two days loss of work. One unit reported that, of 300 persons vaccinated, 50 per cent suffered general disorders, 30 per cent showed a decreased capacity for work, 30 to 15 per cent were bedridden for one to two days. Particular symptoms reported were: inflammation of the stomach and intestines, diarrhea, canker sores, a rash (like measles), chills with cramps and one case of inflammation of the brain.

"The following T.A.B.-Cool-Vaccines were delivered for distribution." The operation numbers are here given. "On the basis of the reports, it must be assumed that all Operation Numbers were used. Furthermore, there are very dissimilar reports concerning the efficacy of the individual."

Here additional numbers are listed. "Furthermore, Nos. 15, 16, 18 W 55, W 59 and the two unidentified numbers may be appraised as agreeable with minor local and general reaction; the reactions caused one to two days loss of work, but their frequency was not noted. Essentially, the same observations were reported concerning the remaining Operations numbers; strong or very strong local and general reactions, fever up to 40, transitory loss of work, diarrhea, chills, shortness of breath, near-collapse (two cases), and one-third of those vaccinated with No. 102h suffered local infiltration.

"Comparative study shows that the Acid Vaccines appear, on the average, to be considerably less agreeable than the Behring Vaccines, even though the reactions to some of the latter surpass endurance. Without further study, it cannot be determined what causes strong reactions to usable vaccines. The general impression is that, in particular, the Acid Vaccine in its present form will have to be rejected for use by the Wehrmacht, since it is to be feared that the scope of the reactions could cause considerable losses and decrease in the employability of the vaccinated units. Some of the Behring Vaccines also resulted in injury to the general state of health, which caused one to two day losses. In evaluating these reports, it is necessary, of course, to consider the dissimilar opinions of the individual troop doctors concerning the strength of the reactions. As is correctly emphasized in the report of Paragraph XII, the advantage of the combined T.A.S.-Cholera vaccinations cannot be overestimated since the troops can be vaccinated in the shortest possible period of time. On the other hand, this would be possible only with temporarily inactive units. The present-day vaccines could not be recommended for activated or about-to-be activated troops since it cannot be predicted, on the basis of experiences to date, whether the troop will remain fully employable after the frequent strong

8 Jan 47-P-21-6-Machen  
Court No. 1

reactions. As long as the vaccine industry cannot produce a vaccine which does not result in serious reactions, such as the I.A.B. vaccine, the T.A.B.-Chol. Vaccine will have to be rejected for the Wehrmacht, as unusable."



If Your Honors please, exclusive of the document that has to be submitted after it has been corrected and another witness or two in connection with the typhus experiments, this completes the presentation of evidence in connection with the typhus, yellow fever, small pox and cholera, and the other experiments as charged in the Indictment, Count II, 6(j) and Count III, 11.

The Prosecution has clearly shown the program of experimentation in Buchenwald and Natzweiler concentration camps. We have shown by the testimony of the witnesses and the overwhelming amount of evidence that experiments were conducted for the benefit of the German armed forces to investigate the effectiveness of typhus and other vaccines.

The testimony of the witnesses, as well as the supporting documents, has conclusively established that a virulent virus was used in both camps during the course of these experiments and that as a result thereof numerous deaths occurred.

The weight of the evidence has also shown that the Wehrmacht, the SS, the Reich Research Council, the Luftwaffe and other organizations participated in an active manner in the entire program.

At this time, Mr. McHaney will continue the Prosecution's case in chief with the presentation of evidence regarding the so-called mercy killing program.

DR. HOFFMANN: (Counsel for defendant Pokorny): On 29 May 1946, we were told that applications for witnesses and documents were to be made as soon as possible. Accordingly, I have hitherto named three witnesses -- and expert, Dr. Jung; the witness Aiska; and the witness Miss Horton, the secretary of the defendant Pokorny. I sent a telegram to Miss Horton before Christmas asking her to come here and talk to her here. On the basis of this conversation, I requested her as a witness on 2 January 1947. During my conversation with her, she said that up to that time no one -- that is, not the Prosecution



either -- had examined her.

Today I have been informed by the office for the Defense Counsel, Lt. Garrett, that the two first mentioned witnesses have been approved and are to be brought here. The third witness, Miss Merton, on the other hand, had become a Prosecution witness.

I ask for a decision of the Court that the Prosecution can examine the witnesses I have named for the first time in cross examination and that Miss Merton should not be considered a Prosecution witness.

I have submitted my application in writing. I have handed it to the General Secretary.

MR. McHANEY: If the Tribunal please, this comes as somewhat of a surprise to the Prosecution. I have never heard of Fraulein Merton. I certainly have no intention of calling her as a Prosecution witness, and -- I am quite sure about it -- no one on my staff has talked to her or so much as knows of her. I don't know where Defense Counsel has obtained his information, but this must be some mistake somewhere, because I know nothing about it. I am quite sure that none of the attorneys who are participating in this proceeding have so much as talked to her.

Maybe by some coincidence some other section may have some interest in her, but I have great doubts about that. Certainly the Prosecution in this case has no interest in the witness at all, and as far as we are concerned, she is a Defense witness, and we shall not speak to her.

THE PRESIDENT: I will ask the Counsel for the Defendant if that statement complies with what he desires or if there is anything else he would like the Tribunal to do about the matter.

DR. HOFFMANN: I obtained my information from Lt. Garrett, the Liaison man between the General Secretary and us. He gave me a slip of paper on which it says, One and Two -- that is, Jung and Zisk -- approved. Three -- that is, Merton -- Prosecution.

THE PRESIDENT: It is now almost time for the Court to recess. I would suggest that Counsel for the Appellant and for the Prosecution gain information about this matter of this witness and take the matter up before the Tribunal at the opening of Court tomorrow morning.

I would say in addition that applications for documents and witnesses have been functioned on by the Tribunal at the earliest possible moment. As far as I know, all such applications that have come to the Tribunal have now been functioned on and have been returned to the Secretary General. There have been some unavoidable delays, of course, from time to time, pertaining to certain matters because the Tribunal, as everyone else, is occupied long hours in official duties which render it difficult to take up matters outside of Court, but I think that all applications such as that have now been functioned on by the Tribunal and are in the hands of the Secretary General. It is the desire of the Tribunal to expedite all such matters as much as possible. Proceed, Counsel.

DR. FRITZ (Counsel for Defendant Rose): Mr. President, I have quite a brief matter on Document Book 12, which we just completed a few minutes ago. Document 139 was read. That is a letter of Klunzger to Professor Haagen.

THE PRESIDENT: Will you advise the Court as to the page of the document book on which that document is found?

DR. FRITZ: Page 113. In this letter it says that Professor Rose promised the Japanese doctor to secure for him all important information, including yellow fever virus experiments, from Strasbourg.

Now my client points out to me that the Prosecution changed the word "test" to "experiment". That is something entirely different from the German word "Proben", which, according to my client is "sample" in English.

THE PRESIDENT: I would suggest that, with the other matters that are to be investigated tonight, the matter of the correct translation of the document be also taken up this evening and reported to the Court in the morning.

The Tribunal will now recess until 9:30 o'clock.

(The Tribunal adjourned until 0930 Hours, 10 January 1947.)

Official transcript of the American Military Tribunal in the matter of the United States of America, against Karl Brandt, et al defendants, sitting at Nurnberg, Germany, on 10 January 1947, 0930, Justice Seals presiding.

THE MARSHAL: The Honorable Judges of Military Tribunal 1. Military Tribunal 1 is now in session.

God save the United States of America and this Honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, ascertain if the defendants are present in the court.

THE MARSHAL: May it please Your Honor, all the defendants are present in the court.

THE PRESIDENT: The Secretary-General will note for the record the presence of all the defendants in the court.

7  
DR. HOFFMANN (Attorney for the defendant Pokorny):  
Mr. President, in reference to my application yesterday concerning the witness Merton, I have the following explanation to make. Lt. Garrett has told me that the information that the witness Merton was a prosecution witness was a misunderstanding. Independently of this, the prosecution has told me that they do not intend to examine my witnesses before they appear before the court. Therefore, I consider my application settled.

THE PRESIDENT: The record will so show.

MR. HARRY: May it please the Tribunal, two of the problems that we will clear up the first thing this morning, one, the transcription of two documents we wish to delay for a matter of an hour or two while we are getting them processed and in the meantime prosecution would like to call a witness as to the sulfanilic acid experiments at Ravensbrueck. This witness has just been able to arrive in Nurnberg and we have previously introduced two affidavits from the

10 Jan-M-GES-1-1-Foster-PM  
Court No. 1.

witness, Sofia Magzka, her name is. At this time we would  
like to call the witness Sofia Magzka for examination.



May I explain, Your Honor, she will give her name and take the oath in Polish and will testify in German. The gentleman here is a Polish interpreter.

THE PRESIDENT: The witness Sofia Magka is present in court. The witness will raise her right hand. You will translate the oath to the witness as I read it.

I, Sofia Magka, do solemnly swear that the evidence I shall give shall be the truth, the whole truth and nothing but the truth, so help me God.

(The witness repeated the oath.)

THE PRESIDENT: The witness may be seated.

I will now administer the oath to the interpreter. Raise your right hand and repeat after me:

I do solemnly swear that I will perform my duties as interpreter to the Tribunal to the best of my ability and skill, so help me God.

(The interpreter repeated the oath.)

DIRECT EXAMINATION.

BY MR. EANDY:

Q. Witness, for the convenience of the court would you testify before this Tribunal in the German language?

A. I am prepared to testify in German.

Q. Witness, your name is Sofia Magka?

A. My name is Sofia Magka.

Q. You spell your last name M-A-G-K-A?

A. Yes.

Q. You were born on November 30, 1905, is that correct?

A. Yes.

Q. You were born in Cracow, the Austrian part of Poland?

A. Yes, I was born in Cracow.

Q. Witness, what is your present address?

A. Cracow, Szlak 55.

Q. Now, witness, from 1916 to 1924 you studied at the public high school and junior college, that is, the Gymnasium in Cracow, is that correct?

A. Yes.

Q. You graduated in 1924 from the Gymnasium?

A. Yes.

Q. And in 1924 did you enter the medical school of the University of Cracow?

A. Yes.

Q. You completed your studies at that university in 1930, is that correct?

A. Yes.

Q. When did you receive your medical degree from that university?

A. On the 30th of June, 1930.

Q. And you are now a medical doctor, is that correct?

A. Yes.

Q. Now, from 1930 to 1932 were you rotating interne at the medical clinic in Cracow?

A. Yes.

Q. At the same time were you at the X-Ray Institute of Cracow, public health, public insurance hospital?

A. Yes.

Q. After you completed your internship in 1932 did you do post-graduate work at the X-Ray Institute of University of Vienna?

A. Yes.

Q. You later attended the University of Utrecht?

A. Yes.

Q. From 1932 to 1935 did you hold a position as assistant at the X-Ray Department of the Public Insurance System in Cracow?

A. 1934 to 1935.

Q. Now, after that did you serve as chief physician in charge of the X-Ray department of the Catholic Brothers Hospital in Cracow?

A. Yes.

Q. What period of time did that cover?

A: January 1936 until I was arrested.

Q: At the same time from 1939 to 1941 did you also  
do private consulting practice as an X-Ray specialist in  
addition to your hospital work?

A: Yes.

Q: Witness, when and where were you arrested?

A: Cracow, in April 1941.

Q: Will you tell me what was the reason for your arrest. What was the reason for your arrest, witness?

A: I was with my mother and my brother when I was arrested as a suspect for belonging to a secret organization.

Q: You were arrested, I presume, by the Gestapo, is that right?

A: Yes.

Q: After your arrest where were you sent for imprisonment?

A: I was sent to the Protective Police in Cracow.

Q: Then were you actually sent to the Ravensbruck Concentration camp?

A: I was taken to the Ravensbruck Concentration camp on 13 September 1941.

Q: Did you remain at the Ravensbruck Concentration Camp until when, until May 2nd, 1945?

A: On 25 April 1945 I left the camp, and I was taken to Sweden where I arrived on 2 May 1945.

Q: Now since you have been liberated from the concentration camp what have been your duties to date?

A: I had six weeks quarantine in Sweden. After that I came to the hospital at Goeteborg, where I worked first as an extra assistant - X-ray assistant, from July until the 31 December 1945; from 1 January 1946 on until 1 July 1946 I worked as a doctor in a Swedish therapeutic hospital in Stockholm in the X-ray section with a Professor Diesholm. In July I went back to Cologne, and then to Cracow. Now I am employed as chief physician of the X-ray section of the Public

Insurance Fund Hospital in Cracow.

Q: Witness, are you a member of any medical society or organization at the present time?

A: Yes. I belong to the Polish X-Ray Physicians Society, and I am also a member of the International Federation of University Women.

Q: Now, witness, you say you entered the concentration camp at Ravensbruck in September 1941?

A: Yes.

Q: What duty or duties were assigned to you as a prisoner in the camp?

A: After four weeks quarantine, I was assigned to the hardest statistical work. I worked in the State Building; after that I was sent to the factories, first, to straw plaiting shop and afterwards to a manual camp where I had to work day and night in a shop in town. After a period of two weeks I was taken into a hospital as a chorwoman. In July 1942 I was sent back to the hospital and I was working in the X-ray section. I stayed in the hospital one year, from 24 July 1942 until 21 July 1943, and on that day I was sent to Dachau Station as a suspect, and on next day having been sent to the bunker. I remained in the bunker for eight weeks in a dark cell, and I was subjected to the extreme examinations while in custody. After eight weeks I was released from the bunker, and I was put in a penal column where I worked as a wood chopper for eight months. In May 1944 I was sent away to Neu-Brandenburg, where I was to be employed as a factory worker. After one month of work in the factory I was sent back to the hospital in Neu-Brandenburg, because the doctor had become sick there. On 2 September 1944 I was arrested and put in a bunker in Neu-Brandenburg because



the supervisor, Frieda, had found a letter in my possession, and I took the letter away from her, and destroyed it. I remained in this bunker for nineteen days, and I was to be hanged. After the nineteen days I was sent back to Ravensbruck, and because it was only a harmless letter which the German nurse Anna had admitted, I was only punished for my impudence with four days Bunker in Ravensbruck.

Q: Witness, you say you were working in the capacity as an X-ray technician for the hospital in the sick quarter of the concentration camp at Ravensbruck for a period of one year, that is, from July 1942 until July 1943, is that correct?

A: Yes, since July 1942 to July 1943.

Q: Now based on your extended time in the concentration camp at Ravensbruck and for the time you spent in the sick quarter in affiliation with other patients in there, do you have any knowledge of the medical experimental program which is being conducted there?

A: I was given the opportunity to observe the experiments there because I worked in the hospital at the same time, and also in the X-ray section I had to take the X-ray pictures of those who had their bones operated on, and I could see them myself.

Q: Now, witness, we will take these things up slowly and by degrees. First of all, do you know what was the so-called sulfanilamide or infection experiment?

A: The experiment began on 1st of August 1942 when the first operation took place. The first operations were of infectious operations, on which the sulfanilamide preparations were used.

Q: Now you say this sulfanilamide or infection experiment began about 1 August 1942, and they were carried on then until what date? When did they finish working on that particular type of experiment?

A: All the experiments were ended in March 1943, and then another group was added on 15 August 1943, which was carried out in the bunkers.

Q: Now did they have a group of experiments also referred to as Bone Transplantation experiments?

A: There were also bone operations, in my opinion three types of bone operations, in the infection bone transplantation, for the removal of the bone, and was called "bone splinters".

Q: Now when did these bone transplantation experiments begin with the removal of the bone?

A: When the infection experiments were in progress, a few weeks later the bone experiments were begun.

Q: In other words, with such experiments, the time of the infection experiments and the bone experiments ran along parallel, or simultaneously, is that correct?

A: Yes, and at the same time other rooms were prepared for the so-called aseptic operations.

Q: Now, witness, did you ever hear of muscle and nerve experiments?

A: In the bone experiments were incorporated those operations when they continued with the muscle experiments and with the experiments on the nerve.

Q: Now, in other words, witness for the most part these experiments were in progress during your time on duty in the hospital at Ravensbruck?

A: Yes, I was there the whole time.

Q: Do you have any knowledge of other experiments

consisting of removal of whole extremities of the body?

A: Yes, such experiments were also carried out at the same time and somewhat later than the first experiments that is, I think they were about the beginning of 1943.

Q: Now, witness, during the course of these Aseptic experiments, did you observe the type of medical care which was being administered on the victims?

A: They were taking care of the patients during the first few days. Afterwards they remained without any proper medical care whatever for their recovery, or without any scientific control.

Q: Then would you say those girls who were subjected to these experiments after the first day or two were very badly neglected medically?

A: Yes.

Q: Now after they were operated on, or after the first infection experiment, how long was it before they were administered sulfanilamide?

A: To that extent, of course, I know it was only done just a few days, and later they received drugs, such as morphine, if they had very great pains.

Q: Now, witness, did you ever hear, or know of your own knowledge, or do you have any reason to believe that tetanus had been deliberately administered as a test in the course of these experiments?

A: I saw one case on a Veronica Kreske, who according to a clinical picture was infected with tetanus, or had under appearance of tetanus.

Q: In your position as a doctor, will the application of sulfanilamide prevent the tetanus infection from killing the victim?

A: Yes, an attempt was made with sulfanilamide.

Q: Now in your position as a physician do you think that sulfanilamide would prevent this tetanus infection causing a very severe injury, or causing the death of the victim after the sulfanilamide had been applied?

A: These were only experiments. I do not know from a medicinal viewpoint that tetanus can be cured with sulfanilamide.

Q. Now, witness, in the course of these experiments, do you know the number of Polish girls subjected to such experiments?

A. There were altogether 74 Polish girls who were operated upon. Also, there was one German Jehovah's Witness and one Ukrainian girl; altogether 76.

Q. Now, witness, do you know whether or not any of these 76 persons, subjected to those experiments, died as a result thereof?

A. Yes, five died because of these experiments.

Q. Do you know the names of the five girls that died as a result of these experiments?

A. Yes.

Q. What are their names first?

A. The first was Veronika Kraska. She died from tetanic infection which was given her.

Q. Now witness, you have stated that Veronika Kraska died as a result of these experiments. Now would you kindly explain to the Tribunal the case of Veronika Kraska, as you know it, giving in detail the operations performed upon her, the treatment she received, and in your opinion, the cause of her death.

A. After a few days after the operation, typical tetanus symptoms appeared which lasted only a brief time and which led to death. The disease lasted only a few hours. She died under typical cramps caused by tetanus.

Q. Now, witness, do you think that there was any possible way that this particular victim, Veronika Kraska, could have been saved?

A. From the medical point of view, one could think that if one gives tetanus, one should give serum against tetanus; but here, sulfonamide was given on an experimental basis and medicine has had no experience as to whether sulfonamide helps against tetanus. It was tested and she died.

Q. Now, witness, would you say as a doctor, that an amputation would possibly have saved the life of Veronika Kraska?



A. No, amputation, no; in tetanus?

Q. Now, witness, do you feel that this infliction in the case of Weronika Kraska, that death was just a method by which they were establishing some of the scientific points in the course of the experiment?

A. Yes.

Q. In other words, do you feel that Weronika Kraska was doomed to die from the moment she underwent the experiment?

A. Yes.

Q. Now, witness, you have given us the name of Weronika Kraska, do you know the names of any of the other four-- the remaining four that died as a result of these experiments?

A. Yes, I know the names.

Q. Could you repeat the names, please?

A. Zofia Kiecok and Anielka Janowicz, Alfreda Prus, Rozinska  
Krawska.

Q. Now, witness, you have outlined what you saw the cause of the death of Weronika Kraska. Now would you kindly outline, in some manner, your opinion as to the death of Rozinska Krawska?

A. In my opinion and according to the clinical observations, Rozinska had been infected with gangrene bacillus. She was a young, 23 year old, healthy girl. The disease progressed slowly. From day to day, she became blacker and more swollen. They took care of her only for the first few days. After that, she was taken to Room 4 where she lay for days in unbelievable pain and discomfort.

Q. Now, witness, do you wish to say anything more about this Room 4 where she was left there for days without any medical aid at all?

A. Yes.

Q. Now in this case, did you have an opportunity to observe her personally?

A. Yes.

Q. How long did you observe her while she was in Room 4?

incredible pain?

A. She was there four or five days before she died.

Q. Do you think, in your opinion, there was anything that could have been done immediately to have saved the life of Kurovskaya?

A. Yes, yes. Her leg should have been amputated immediately in order to save her life.

Q. Now do you say that she was completely left in this room to her own natural resources, that is, by herself, just to care for herself? Is that correct?

A. Yes.

Q. Now, witness, do you know of any further conditions in the case of this young lady while she was in this Room No. 4 that might be of interest to the Tribunal?

A. I and others observed her and we gave her what help we could; that is, we gave her water, we spoke to her and we prayed for her. And also, I talked to a prisoner, Sofia Gurevich, who asked me, "What do you think, can she be saved?" And I said, "Yes, if they negotiate." And she said, "Do you think that will be done?" I answered, "I don't think so because if they intended to do it, they would have done it already." This shows clearly that it could be controlled; that they did not want to negotiate in the case of Kurovskaya to save her life.

Q. Now, witness, you later said that another one of the girls that had been a girl named Anilda Kurovskaya?

A. Yes.

Q. Will you kindly tell the Tribunal, in your own words, what the conditions were existing during the course of the experimentation on this young lady and what was the cause of her death?

A. In my opinion, Anilda Kurovskaya was infected with osseous malignancy. The leg kept swelling more and more. The vessels dried and she died of bleeding. She was not given the correct necessary care. The vessels should

have been tied off or an amputation should have been carried out to save her.

Q. Now, doctor, you have stated that in this condition you felt that the blood vessels became constricted and there were hemorrhages of some sort.

A. Yes, there were hemorrhages in the constricted vessels.

Q. Now was there anything done at all for this young lady?

A. If anything was done, it was only in the first two days or three days when we had no access; afterwards, she was completely neglected so that we could not in and look at it, and that is how I was able to observe it.

Q. Now would you say that the death was a painful and miserable one?

A. Yes.

Q. Now, witness, the fourth girl that died as a result of these experiments, her name is Sofia Kiecol. If you tell us about the conditions existing during the experimentation upon this young lady which finally resulted in her death?

A. Sofia Kiecol died in the same way as Lafanadice. They were similar cases.

Q. Now, was this girl, Sofia Kiecol, treated with sulfanilamide preparations?

A. The first two or three days when we had no access to her, she was given drugs. Later, nothing was done for her either.

Q. And you say that she was given the sulfanilamide preparations for a period of two or three days and then completely forgotten thereafter?

A. Yes.

Q. All then from such conditions as that, would you think, as a doctor, that the reason was that there was an effort being made to test what would happen if the patients were given only a limited amount of

sulfanilamide?

A: Yes.

Q: Now, witness, would you kindly tell us what happened to Alfreda Prus, the other girl that died as a result of these experiments?

A: Alfreda Prus was also affected with oedema malignum. Alfreda proved to be stronger than Kiecol and Lefanowicz, and for that reason she lived a few days longer. For that reason, she was also taken to Room 4 to die there helplessly. The beautiful, young, 21 year old girl, a University student, sacrificed her life in terrible pain and died of hemorrhage.

Q. Now you say that this girl was only twenty-one years of age. <sup>30</sup>  
Is that correct?

A. Yes.

Q. Did you know her very well, witness?

A. I knew her well only from the camp.

Q. What did you say? Was she a beautiful girl, witness?

A. Yes, a very pretty girl - twenty-one years old - a university student.

Q. A very intelligent girl?

A. Yes.

Q. Now, witness, did you know Miss Kuzmierczuk?

A. Maria Kuzmierczuk is the name. That is the friend of Alfreda Prus. She was also a university student. The two were infected at the same time and the two were in two different rooms. Maria Kuzmierczuk is the only one that survived the actual infection and is living. She was sick in the hospital for a very long time, and she was released when she was not yet healed. Only transplants carried out much later helped the wound to heal. The transplantation was not carried out by the doctors who conducted the experiments, only by the doctors who worked in the hospital much later. That was Dr. Treida.

Q. Now, witness, you say that Miss Kuzmierczuk was the only survivor of the experiments of bacillus anthracis. Is that correct?

A. Yes.

MR. HARDY: If it please the Court, Maria Kuzmierczuk was one of the witnesses that appeared before this Tribunal early in the case.

Q. Now, doctor, there were also groups of girls infected with streptococcus and staphylococcus?

A. Yes. There was large groups of girls who were infected with streptococcus and staphylococcus.

Q. Were these girls treated better, the cases you have just outlined? Were they given any surgical aid?

A. These girls survived and had pains and their legs gave out pain and they did not die. For that reason they were given bandages from time to time when the doctors felt like it. Sometimes they waited three days,



sometimes four days. There was a terrible odor in the room of pus. The girls waited to get help in the night. There was no personnel. They had to help each other.

Q. Now, witness, who were the doctors who performed these experiments on these girls that you have told us about this morning?

A. When the preparations were made for the operations we were told it would be the Professor who would come and look. That was the last days of July and a Professor did come that I was able to see and later we learned it was Professor Gebhardt, head of Hohenlychen Sanatorium.

Q. Now, did anyone assist Professor Gebhardt in the course of these experiments?

A. Yes. Professor Gebhardt came with his assistant. Most of the operations were carried out by Dr. Fischer. There was also a second assistant of Professor Gebhardt.

Q. Who was that, do you know?

A. I have forgotten the name, the name of the second assistant.

Q. Was there anyone else who assisted in these experiments, assisted Dr. Fischer in the performance of the experiments in the camp?

A. In the camp our doctors who worked there helped in the thing, and especially Dr. Herta Oberheuser and Dr. Rosenthal. At that time Dr. Schydlowski was the chief physician.

Q. Now, witness, you have stated that in some cases girls subjected to these experiments received postoperative care and treatment. Was this postoperative care and treatment done by the camp doctors or was it done by Gebhardt, Fischer, and Oberheuser?

A. The Hohenlychen doctors only came for the operations and everything afterwards they left to our camp doctors.

Q. In other words, the doctors that performed the experiment merely performed the operation and then completely forgot the patient, is that correct, witness?

A. They came to make a big official visit. Then the patients were put in clean rooms with fresh dressings but that happened very seldom.

Q: Now, in connection with the bone experiments, witness, would you tell us in your own words what you know of the bone experiments?

A: In my evidence - in my X-ray evidence - I had thirteen bone operations. That is, thirteen cases of persons whose bones had been operated on. In my opinion there were three kinds of Bone operations. They were fractures, bone transplantation with removal of bones, and so-called bone splints. The girls were operated on several times. The operations were to be aseptic but because of negligence and lack of aseptics two of them developed osteomyelitis.

Q: In connection with these bone cases did you ever personally have conversation with Dr. Oberhauser?

A: Yes.

Q: Will you tell to the gist of that conversation, doctor?

A: It was the case of Krystyna Dabeka. She was sent to me for an X-ray picture. Shortly after the operation - a few days after the operation - she had both her legs in plaster. I took X-ray pictures and from that on both legs small pieces, about 4 to 5 cm. long, had been taken from the fibula - had been cut out of the fibula. I read on the cast that on one leg periosteum had remained and on the other leg periosteum had been removed together with bone. Because I was of the opinion that attempt was made to check regeneration I asked Dr. Oberhauser, "How do you want to get regeneration of bone if the bones are removed with periosteum?" I was given the answer, "That is just what we want to check."

Q: Now, witness, was there anyone else who underwent the removal of their fibula in the same way that Krystyna

Febaka did? Any other girls?

A: Yes. I know of another case. That was Zofia Baskja. She was operated on in the same or approximately, the same way.

Q: Now, do you think with your knowledge of medicine, being an X-ray specialist, consequently having good knowledge of bone work, do you think that such an experiment was necessary?

A: No.

Q: Then, witness, is it an experiment or is it a subject commonly known in text books and not necessary to experiment on a thing of this nature?

A: Yes. Every student knows that. You learn that in the beginning of your studies.

Q: Now, witness, you have stated that there were three types of bone operations - bone transplantations, bone fractures, and bone incisions. Now in these cases of bone fractures would you kindly tell the court of the conditions in connection with those experiments?

A: I recall two cases exactly. Janina Marozowska and Leonarda Bien. In the case of both of these girls on the operation table several fractures were inflicted on the tibia in the operation and afterwards clamps were put on Marozowska. In the case of Leonarda Bien none. Both girls were given plaster casts and were in the hospital. Plaster casts did not remain long - not six weeks - only two or three weeks and were removed and these bones healed without dressings. Marozowska was operated on once more and the clamps were removed. These were typical fracture operations.

Q: As the result of these operations did they

impede locomotion of the two girls operated on?

A: At the time when they were in the camp, yes. I have not seen them now.



Q: Now, witness, of the third type of bone experiments that you have stated, the so-called bone incisions, would you kindly tell us what you know of that type of experiments?

A: A few were operated on for bone incisions, but I remember one case exactly. That was Barbara Pietrzyk, the youngest of these who were operated on, 16 years old. She was operated on six times. At the first operation, incisions were made twice in each Tibia. Then she was taken to an operation again and pieces of the tibia were cut out where the incisions had been made beforehand. Once I was given an order when the operation took place that I was to stay in the X-ray room, and I was brought a piece of tibia that had been cut out and an incision had been made in this piece before; and I had to take an X-ray picture of this piece of bone.

Q: Now, witness, as a result of these three types of bone operations, did many of these girls develop a condition of osteomyelitis?

A: In the time when I saw the experiments and was able to check on them two had secondary infection from lack of asepsis and treatment. They had osteomyelitis. That was Maria Grabowska and Maria Gaboj.

Q: Now, witness, we have mentioned a third experiment, the muscle and nerve regeneration or operations. Would you kindly tell the Tribunal, Doctor, what you know about these experiments?

A: The group of muscle experiments were rather large. The girls were operated on several times, and the youngest, Słodkiewiczowska was operated on most often. At the first operation muscles were cut out and at the second and third their pieces of muscles — always at the same place, so that the legs got thinner and weaker all the time.



Q: Now, witness, do you know what the purpose of these experiments on muscles and nerves was; from your observation do you know what they were seeking for?

A: No. Why these operations were carried out, I cannot understand. Whether the cut-out pieces of muscle were taken to Hohenlychen, I do not know.

Q: Well, then, it might be reasonable to say that these experiments were merely carried out as a historiological report of the various stages of tissue reaction, is that correct?

A: I imagine so. I know that in bone experiments that was the point at issue, the regeneration question.

Q: Now, witness, you have referred to other operations, special operations, of the removal of whole extremities and so forth. Would you kindly tell the Court what you know about these other special operations during your time at Ravensbruck at the hospital?

A: Abnormal patients, that is feeble-minded or insane, about ten of them were selected. They were taken to the hospital and prepared for operation. I personally know of two cases which were operated on. The one case that was a leg amputation. I know that the nurses from the hospital brought the woman to the operation room and after some time the nurses took her to the special room the "Stuebchen", where the dead were kept. That was from the operation room, she was taken directly to this little room where the dead were kept. The door was locked, and then together with another comrade who worked in the hospital, Kusmierczuk, I went into this room and looked, and I saw a corpse covered with a cloth and where there should have been two legs, I saw only one leg through the cloth. Afterwards the nurses came and themselves personally, without

the aid of prisoners, put the body in a coffin and carried it out in order to preserve secrecy. Then, I know of a second case. Again an abnormal woman was taken into the operation room. This day I know Dr. Fischer went into the operation room. After some time, Dr. Fischer, after the operation, got into his car — he always came by car with a chauffeur — and one operation nurse brought a bundle wrapped up in linen about as big as an arm might be and Dr. Fischer personally took it on his lap and drove away. Then the prisoner, Guernheim, came to me. "You know what happened today Sofia? The whole arm with shoulder blade was taken off". Those were the two cases of special operations which I personally know about.

Q: Now, witness, are you of the opinion that Doctors Gebhardt, Fischer and Oberheuser, whom you have outlined as the ones who worked on and performed these experiments, neglected their duty as a physician toward the patients and that their neglect was the direct cause of the death of the five girls we have mentioned here this morning?

A: Yes.

Q: Now, witness, do you know whether or not any other girls died as a result of these experiments or died because they had been subjected to the experiments?

A: I know that six who had been operated on were shot after the operations.

Q: How many did you say, witness?

A: Six.

Q: Now, witness, do you think that this neglect of care on behalf of Doctors Oberheuser, Gebhardt and Fischer contri-

buted to the mutilation and crippling result of many of these girls who had been subjected to the experiment?

A Yes.

Q Did this neglect go so far that even in so-called aseptic operations, infection occurred which caused lasting and mutilating osteomyelitis?

A Yes.

Q Now, witness, in connection with the five girls, are you of the opinion, from your knowledge of these five girls who died, that that that was the direct result of the work of the three people, Gebhardt, Fischer and Oberheuser?

A Yes.

Q Now, witness, you have stated that six girls after being subjected to these experiments were shot?

A Yes.

Q Now, could you tell me whether or not Dr. Oberheuser in her position as camp physician could have protected the six girls who were shot in spite of their submission to these experiments?

A Two of them: Rosalia Gutek was still sick in the hospital after the operation when she was taken for execution. Dr. Oberheuser postponed it. Another, Aniela Sobolewska, was called for execution, but she still had to have an X-ray picture taken -- the execution was postponed; therefore, Dr. Oberheuser twice was able to postpone the execution.

Q Then do you feel that she could have postponed, in her high position as camp physician, the execution of these girls for an unlimited length of time?

A I think so, yes.

Q Now, witness, was there an attempt made after the completion of all these experiments to completely wipe out all the girls who had been operated on in Ravensbruck Concentration Camp?

A Yes.

Q In other words, these girls were all to be executed after completion of the operation?



A: Yes. They all believed that they would be executed.

Q: Now, witness —

A: And they were confirmed in that opinion by the death sentence that were executed on their operated comrades, that is the six that were shot, and finally in February of '45, again all who had been operated on were called together, and they were told they would be put on a transport to Gross-Rosen, and Gross-Rosen as we knew from the "Voelk scher Beobachter" was already in Allied hands. Therefore they knew that they were going to be killed, but there was already disorganization in the camp and the girls hid. They took other numbers and were able to save their lives.

Q: Now, witness, did any of the young ladies subjected to these experiments volunteer for the experiments?

A: No.

Q: Were any of the young ladies ever pardoned or allowed to return to their homes from the concentration camp after subjection to these experiments?

A: Yes, there was one case, Okoniewska, she was called to the front office, and she was told, "You have been pardoned. You will be set free and sent home", and it was done.

Q: Now, witness, I realize a considerable length of time has passed, but do you think that you could possibly identify Doctors Gebhardt, Oberhauser, and Fischer in this dock to your right?

A: Yes, I can try.

Q: Would you kindly arise from your chair and come down onto the floor and go over to the dock and pick out those three people? Point to them and name them as you

choose whichever one they may be.

A: Yes. (Witness complies)

Q: Witness, you have said that the man furthestest over is Dr. Fischer, is that right? Will you stand up, translator? You have said that the person sitting next to Dr. Fischer is Dr. Oberhouser, is that right?

A: Yes.

MR. HARDY: I respectfully request that the record show that the witness has properly identified the defendants Fischer and Oberhouser.



THE PRESIDENT: The record will so show.

MR. HARDY: I have no further questions, Your Honor.

BY MR. HARDY:

Q Doctor, would you attempt again to identify Dr. Gebhardt? Did you identify the first, second, or third man as Dr. Gebhardt?

A It may be that I am not quite certain. Professor Gebhardt looked different at that time. I had an opportunity twice to see Professor Gebhardt. He had much more hair at that time, a rounder face, he was younger, and he did not hold his lips compressed so much.

Q Witness, was Dr. Gebhardt an extremely heavy man when you saw him at Ravensbruck?

A. He looked better -- especially his face.

MR. HARDY: I have no further questions, Your Honor.

THE PRESIDENT: The record will also show that the witness did not correctly identify the defendant Gebhardt.

Is there any cross-examination of this witness by any of the counsel for defendants?

CROSS EXAMINATION

BY DR. SEIDL (Counsel for the defendants Gebhardt, Oberhauser and Fischer):

Q. Witness, you spoke of "an assistant of the defendant Gebhardt" whose name you do not remember?

A. Yes.

Q. Is it possible that it was Dr. Stumpfegger?

A. That is possible; I did know the name but I have forgotten it, but if you will mention the name "Stumpfegger", I agree. I know that name.

Q. It was a very tall man, with many awards.

A. Yes; it was a good looking, tall man -- taller than Dr. Fischer.

Q. Other witnesses have testified that in addition to the physicians which you mentioned, there were the following physicians, who conducted operations. Do you know the name Trommer?

A. No.

Q. Do you know the name of Klimmek?

A. Yes; Dr. Klimmek. Yes.

Q. Have you ever heard the name of Dr. Hartmann?

A. No.

Q. Did you ever hear the name of Dr. Pilsbenn?

A. No.

Q. You spoke about operations which were carried out in the summer of 1943, in the bunker?

A. Yes; I know that such operations were carried out.

Q. Do you know who conducted these operations?

A. Among the doctors who carried out the operations I did not see Dr. Fischer. I was under arrest in the bunker at that time and I happened to be on the corridor.

Q. So, you neither saw Dr. Gebhardt nor Dr. Oberhouser?

A. At that time, in the bunker, I did not see those three people.

Q. I now come to the case of Weronika Kraska. This is the experimental subject of whom you stated that she died of tetanus?

A. Yes.

Q. Did you ever see, in the hospital, any cultures of tetanus bacilli?

A. No.

Q. Did you ever see that Weronika Kraska was injected with tetanus bacilli?

A. How could I see such a thing if it was done in the operation room?  
I saw the symptoms of tetanus when she was in bed.

Q. Do you know when Weronika Kraska was operated on?

A. It was in October 1942.

Q. Do you know exactly when these tetanus symptoms started after the operation?

A. After a few days.

Q. Do you think that it is completely out of the question that the tetanus, as you mentioned, was not the consequence of an intended infection with tetanus bacilli, but the consequence of an accidental uncleanness of the wound?

A. No; when she was taken to the operation I looked at her superficially and there were no wounds, no changes in the skin. They had to have the skin clean.

Q. Do you mean to say that Weronika Kraska, when she showed those tetanus symptoms, was not wounded at all?

A. Beforehand; Before the operation? No.

Q. No. What I mean is whether, when the tetanus symptoms occurred, she had no wound at all?

A. On the body — on the corpse — as far as I can remember, I saw no wounds.

Q. Then how can you say that, in the case of Weronika Kraska, a tetanus infection was carried out with intention?

A. Dr. Rosenthal said, in our Laboratory: "It is tetanus infection."

Q. But he did not tell you that this tetanus infection was intentionally carried out?

A. Weronika Kraska was taken for operation. After the operation, Weronika died with the symptoms of tetanus. Weronika Kraska, before the operation, was healthy.

Q. But according to what you are saying now, I have to assume that Weronika Kraska was operated on before her death.

A. Weronika Kraska was among those who were operated on.

Q. Well then, how can you exclude the possibility that the tetanus infection did not come about accidentally, because of the unclean state of the wound?

A. I can only say that she died with symptoms of tetanus. I know of cases where aseptic operations were carried out and the people got osteomyelitis, but because I saw that the people were infected with oedema malignum, or gangrene, why shouldn't they have been infected with tetanus too, especially when Dr. Rosenthal talked about it?

Q. So, from the fact that staphylococci, streptococci and gangrene-producing bacilli were used, you conclude from this fact that tetanus

antiseptics were used also?

A. Yes.

Q. But that is a conclusion?

A. Yes, of course. One person died of tetanus.

Q. But what I want to know is whether you can exclude the fact that, accidentally, a tetanus infection in that connection -- in connection with the operation ---- could have come about?

A. I cannot assume that there was tetanus by accident in the operation room.

Q. You further stated that, in the case of two women, certain limbs were removed; with one woman, a leg, and with another woman, an arm?

A. Yes.

Q. Are these all the cases of this kind of which you know?

A. There were only these two cases of which I personally know.

Q. In that case, I should like to show you the Exhibit 232, which is an affidavit made by you on the 5th of April.

A. Yes.

Q. There you state, among other things, the following: "A few protective custody prisoners were selected and brought to the operating table, and operations were performed upon the entire leg, and sometimes the entire arm



was amputated. Afterwards the victims were killed with cyanide, and the leg or the arm was taken to Hohenlychen."?

A. Yes; that is true.

Q. One moment, witness. And then you continue that, "there were approximately ten such operations carried out." I am now asking you, how do you know that there were ten cases, and not only two, as you said before?

A. About ten were prepared, and I personally saw two.

Q. What do you understand by "prepared"?

A. Taken to the hospital, and put in a room and they waited for the operation.

Q. But the other eight were not operated upon?

A. I personally did not see them.

Q. You cannot say that with certainty?

A. I can only say that I saw two for certain, and I saw the others when they were prepared for operation.

Q. So it was not correct, what you stated in your Affidavit, that ten such operations were carried out?

A. Ten were prepared for operation and I saw two of them.

Q. The first case which you say that you saw yourself is the amputation of a leg?

A. Yes.

Q. Do you know who conducted this operation?

A. No; I did not see which of the doctors went in the operation room.

Q. The second case was the amputation of an arm?

A. As far as Gerda Quernheim told me about it. I only saw the bundle that was carried out. Dr. Fischer operated at that time.

Q. But you did not see what was in that bundle?

A. No. Gerda Quernheim told me that. I say expressly. I described how it happened.

Q. Yes. You spoke about muscle and bone operations. Can you say who was conducting these experiments and at what time they were conducted?

A. The muscle operations, like all the others, were between August 1942 and March 1943. When the bone operations began, they continued with muscle operations. Which doctor performed which operation, I do not know. I was not in the operating room, but I know which doctor went into the operating room. Then the patient, that is, the person who had been prepared for operation, a healthy person, was taken in, and then she was brought out after she had been operated on.

Q. Do you still remember how often this Dr. Stumpfegger, when you mentioned, came to Ravensbruck for the purpose of conducting these experiments?

A. Less often than Dr. Fischer. Rather often they both came together. It was more at the time when bone operations were performed that the second assistant, that is, Dr. Stumpfegger, also came.

Q. You state that nerve operations were carried on?

A. Yes.

Q. What kind of operations were they?

A. I remember only one case; that is Barbara Pictnovska. Her leg was operated on, and I think that a nerve operation was performed because she had (lesions of the) peroneus.

Q. The sulfonamide experiment, therefore, was not conducted with

this woman?

A No; that was an aseptic operation.

Q Do you remember who conducted these aseptic operations?

A Who operated on her, specifically? No.

Q In your first affidavit, you mentioned the names of the individual experimental subjects; is that correct?

A Oh, all the names of the operated persons, yes.

Q Among them, Bokimila Popinska was mentioned?

A Yes.

Q Are you quite sure that an operation was carried through in her case?

A Yes; of course. Not one --

Q I beg your pardon.

A In the case of Popinska there were several operations.

Q Many operations. And how was it in the case of Pilagia Bieschalik; was she operated on?

A Yes.

Q Are you quite sure of that?

A That she was operated on? I know for sure; yes.

Q You further stated that towards the end of April, you were liberated from the camp at Ravensbruck and brought to Sweden. At that time, was the terrain or the area where Ravensbruck was under German domination?

A Yes. My transport left the camp on the 25th of April, and the Red Army came to the camp, as my comrades told me later, on the 30th of April.

Q The Red Army only came into the camp on the 30th of April?

A Yes; that is what my comrades told me.

Q And you were brought to Sweden by the mediation of the Swedish Red Cross?

A I went with a transport which the SS people took to the Danish border, and only from the Danish border on, were we taken over by the Danish Red Cross, and turned over to the Swedish Red Cross.

Q And the SS people brought you to the Danish frontier?

A We were taken to the Danish border by the SS.

Q Do you remember that a few days before the transport from Ravensbrück, there were representatives of the Swiss Red Cross in Ravensbrück?

A No.

Q Another few final questions. Do you know when Amilia Levanowitch was operated on?

A Yes; October or the end of September. Beginning of October. October was the period of operations.

Q Do you know how many women were operated on?

A In my opinion, six.

Q And how many died?

A Five.

Q And the only surviving woman, according to your opinion, was Kusnerchuk?

A Yes.

In your affidavit you stated that Maria Kusmierczuk was the experimental subject who had the most severe mutilations; that was your opinion, yesterday?

A Yes.

Q You must know that Kusmierczuk was here interrogated in this court room?

A Yes, I heard about it.

Q Can you remember when Sofia Klecol was operated on?

A Also in October.

Q And Alfreda Prus?

A Also in October.

DR. SEIDL: I have no further questions.

THE PRESIDENT: The Tribunal will recess.



JUDGE BEALS: Is there any further cross-examination of this witness by defense counsel?

MR. FLEMING (Counsel for the Defendant Krugowsky):

Q. Witness, you formerly said that during the operations was a lack of asepsis. Will you please describe to the Tribunal why you conclude such fact?

A. Before the operations all these matters seemed to have been done correctly. After the operations there was gross negligence; bandages were not sterilized and the instruments were not sterilized either. The patients were left in terrible rooms. They were crowded together without any proper medical aid, without any care whatsoever. Because of the blackouts the window shutters had been closed during the night and the air in the rooms was terrible.

Q. Was there a difference between the operations in the operation room and in the bunker in this connection?

A. The operations which were carried out in the bunker were carried out at a time when conditions in the bunker were, of course, horrible. They had nothing whatsoever to do with an operating room.

Q. How many persons were infected with the individual kinds of cultures infected with streptococci and other cultures like that?

A. As far as I know, 13 bone transplantations were carried out, 1 nerve operation and 6 anaerobes, and the further ones can be divided into muscle operations and infecting operations with streptococci and staphylococci.

Q. You misunderstood me witness. What I meant was that during the anaerobe infections, how many persons were infected with the different kinds of cultures?

A. In my opinion, 6 anaerobe operations.

Q. Six persons?

A. Yes, six persons.

Q. With anaerobes?

A. With anaerobes.

Q. And how about streptococci and others?



A. I have just explained to you that the further total number of 74 was divided between streptococci and staphylococci and muscle operations.

Q. I should like to know from you how the are divided--how many persons were infected with each?

A. Exactly how many muscle and how many streptococci were carried out I cannot state in detail.

Q. You cannot state that. Did you hear, witness, whether during these operations the wounds were artificially infected with pieces of glass, pieces of wood, and other particles?

A. During the dressings we saw that with the flowing pus there were also other bodies.

Q. Did you see, in the case of Weronika Kraaka, anything like that happening?

A. No.

Q. Thank you, I have no further questions.

JUDGE BEALS: Is there any further cross-examination of this witness on the part of any defense counsel? There being none offered, is there any redirect examination by the Prosecution?

MR. HARDY: The Prosecution has no further questions to put to this witness, Your Honor.

JUDGE BEALS: There being no further examination of the witness, the witness may be excused.

MR. McHANEY: If the Tribunal please, we have a number of points to clear up and some what might be termed miscellaneous documents to put in before proceeding to the charge of Euthanasia in the Indictment. Perhaps the first thing we might dispense with is the statement made by Defense Counsel for Pokorny at the conclusion of yesterday's session, that the Prosecution was interested in interrogating a certain witness which he had requested. That matter has been straightened out to the satisfaction of both the Prosecution and Defense, and resulted from a misunderstanding on the part of the gentleman in charge of the Defense Information Center. As a matter of fact, the Prosecution has no intention of examining this witness requested by the defense. I might say, however, since this subject

has been brought up, that there will be isolated occasions where both the Prosecution and the Defense have endeavored to locate a certain individual. To give two specific examples, I would mention the names of Erick Hippke, the Chief of the Medical Service of the Luftwaffe prior to the time that Schroeder took over in 1944, and Eugen Haagen, the doctor about whom the Tribunal has heard some proof in connection with typhus experiments at the Natzweiler Concentration Camp. As I recall, either one or both of those men have been requested as defense witnesses. The fact is, however, that the Prosecution has been endeavoring for some months past to locate Hippke and Haagen. We have now found them, through the efforts of our own investigation staffs, and in these cases and in such similar cases as may arise, the Prosecution intends to interrogate these men prior to the time that they are made available to defense counsel.

The second point which we might attempt to clarify at this time is the issue of interpretation raised with respect to Document Number NG-139 which was admitted as Prosecution Exhibit No. 317 late yesterday. The Tribunal will recall that this document concerned yellow fever and the defense counsel for Rose took issue with the interpretation of the German word "probe" (p-r-o-b-e). The full sentence in which that word appeared was translated by our department as follows:

"In connection with my letter of 26 February and your long distance telephone call of...."

JUDGE BEALS: On what page of the document book is that document found?

MR. McHANEY: It is on page 113 of the Typhus Document Book, Your Honor. The full sentence reads:

"In connection with my letter of 26 February and your long distance telephone call 6 March, I must advise that the Japanese Oberstabsarzt has in the meantime contacted Oberstarzt Prof. Dr. Rose of the Luftwaffe Medical Service and that the latter has promised to secure for him from Strasbourg all the accounts concerning the yellow fever virus experiments which are important to him"

Now the dispute centers around the interpretation of the German word "probe" which we have translated as "experiments." Rose and his defense counsel urge that the word should be translated "sample" and that the sense of the sentence would be that Rose had promised to secure information concerning the yellow fever virus samples which are important to the Japanese medical officer.

I think that the Prosecution must take the position that this interpretation is a matter of argument and that we must consequently insist that the interpretation as presented to the Tribunal be admitted as the position of the Prosecution. I do not think, as a matter of fact, that it is a point of great importance but in any event I have before me a German-English dictionary. It is Cassell's New German Dictionary by Karl Breul. It is the edition of 1939 and on page 461 we find the German word "Probe" and the English definitions following the word are, first, "trial," "experiment;" "probation," "proof," "test;" "exhibition;" "ordeai;" "assay;" "pattern," "sample," "specimen;" and so forth. Therefore it is apparent that the word can be translated in the manner in which we have translated it and therefore I submit it is a question of argument and the defense counsel for Rose is, of course, at liberty to urge that the context of the letter or to argue on the basis of other grounds that the correct interpretation is "sample" but under the circumstances I do not see that the Prosecution can concede the point although we do not regard it as of paramount importance.



As therefore urge that the translation as submitted be accepted by the Tribunal. Of course, the translation itself is not in evidence, and Defense counsel can urge now and when he presents his case as we have stressed the meaning of the word, or that it is improperly translated.

DR. FRITZ: (Defense Counsel for defendant Rose): Mr. President, I am not well enough conversant in the English language in order to make an expert statement in this case. However, according to the German text, in my opinion there cannot be any doubt at all, but in this case the word "probe" is used to imply an object or a sample which therefore would have to be translated with the word "sample". For the English description for the word "probe" in the sense of actions for available experiments, and so on, it has a completely different sense or meaning. At a later period of time in this trial, probably when Rose will be heard as a witness in his own case, I shall refer again to this matter.

THE PRESIDENT: Defendant Rose will, of course, be sworn as a witness in his own case, and make any explanation of this letter he desires to make.

Mr. McHANEY: The next matter which was brought into issue yesterday was the affidavit of Olga Eyer. As I recall this document was withdrawn after some confusion had arisen with respect to the German translation of the document, the original of which is in French. We have had the German re-translated, and think it is now correct. We have had the English, which is in your Honors' document book on Page 103,-- we have had the English re-checked, and it is substantially correct as contained in the document book, and the minor corrections which need to be made I will ask leave of the Court to read it and indicate the small corrections, which can be entered by Your Honor on your copy in the book.

This is Document No. 803, and is offered as Prosecution Exhibit No. 320. It is offered provisionally, inasmuch as we have yet to submit the certificate by General Taylor concerning the right of Tawargen and others to administer oaths. It is also offered with the understanding that the

prosecution will make an honest endeavor to bring the Witness Eyer to Nurnberg to testify. We have already taken steps in that direction, and I hope it will be possible to get her here before the prosecution concludes its case. If that proves to be impossible I would like to have it understood that the prosecution reserves the right to submit additional questions to the witness Eyer when she arrives.

THE PRESIDENT: That right will be reserved to the prosecution.

MR. McILWINE: The affidavit reads as follows:

"I, the undersigned, EYER Olga, being duly sworn, depose and state:

"1. I was born on January 17, 1907 in Strasbourg-Schiltigheim (Bas-Rhin, France) and I am a French citizen. I went to the "Lucie Berger" College in Strasbourg. After I fulfilled various functions, I was secretary to Prof. Pautrier until June 1940.

"2. I entered the service of Prof. Eugene Haagen as secretary of the Hygiene Institute of the Strasbourg faculty in the month of November 1941.

"3. I had to do all the correspondence, ---" and here is a small correction, an interlineation- "I had to do all the correspondence of the Institute, even the secret correspondence

"4. When I started to work for Prof. Haagen, I saw a letter, which had been written before I came, relating to experiments on yellow fever made by Haagen in an insane asylum near Berlin. I think I can remember that it was in Berlin-Reichenau. I add that these experiments had been made on human patients and certain names and results were mentioned.

"5. I knew that experiments on spotted fever had been made on inmates of the Natzweiler Concentration Camp. I knew about these experiments from two letters which were dictated to me by Haagen in the beginning of 1944. In the first letter which was addressed to the SS Hauptamt in Berlin through Prof. Hirt, Haagen asked for healthy prisoners (200) for his experiments. The second letter was also addressed to the SS Hauptamt in Berlin and stated that these prisoners were in a bad state of health and that



a great part of them had died during the journey. At the same time, he asked for another 200 prisoners in good health, of the same constitution as the soldiers of the German Army.

"6. From Haagen's correspondence, which I did myself, I know that experiments were made on influenza and epidemic jaundice. Other details are unknown to me.

"7. Reports were made every three months on all the experiments to the Chief and Inspector of the 'Medical Service of the Luftwaffe' and to the 'Reichsforschungsrat' and to a Luftwaffe bureau in Berlin-Dahlem, from which Haagen depended directly and where he had to go from time to time. I add that I had to send reports to the 'High Command of the Wehrmacht'. From the report on spotted fever, which was sent to the Inspectorate of the Luftwaffe, it was clearly understandable that experiments had been made on human beings.

"8. Haagen received a subsidy for his experiments from the 'Reichsforschungsrat' in Berlin. I think I can remember that the

correspondence was signed by Prof. Rostock. Prof Rostock was in constant touch with Haagen and they made numerous oral reports to each other. Haagen used to visit Rostock in Berlin.

"9. Prof. Rose, Inspector of the 'Medical Service of the Luftwaffe', came to Strassbourg twice to visit Haagen; the first time at the beginning of 1942; the second time at the beginning of 1944. Since Haagen showed him the whole Institute, I suppose that he spoke too, of his experiments on human beings and gave him the result of these experiments.

"10. It was not a secret that Prof. Haagen went each week to Natzweiler with his female assistant, Brigitte Crodal and his male assistant, Dr. Graefe, to carry out his experiments with spotted fever. When we were protesting one day against these experiments on human beings in Schirmeck, Graefe answered us: 'One uses only Poles and no Aleutions and the Poles are not human beings!'.  
It is signed "Olga Eyer."

There is a correction in the statement made by Olga Eyer, that is the paragraph immediately preceding her signature. There was a sentence omitted at the end of that paragraph, reading, "Sworn and signed in Strassbourg on 18th November 1946."

THE PRESIDENT: What was that date, counsel?

MR. McHANEY: 18th November, 1946.

I would now like to go back to page 54, ---

THE PRESIDENT: Just a moment, do any of the defense counsel disagree with the revised translation of this document? (No response). If there are no objections counsel may proceed.

DR. WELTE: Defense counsel Welte for Handloser. Mr. President, the affidavit of Olga Eyer seems to have been given in the French language, and up to now I have not seen the original of this affidavit, and therefore I would be grateful to the prosecution if they would let me have the original for a short period of time.

I would like to add the following, from the statements of the prosecution I assume that for the time being he is presenting this affidavit,

and that under the provision that the Witness Eyer will appear here for cross-examination. If I have understood correctly then this has my approval, because in the other case the Tribunal would have to make a ruling.

THE PRESIDENT: Counsel for the prosecution will doubtless exhibit the original exhibit to Dr. Nelte. Counsel has stated that the attendance of the witness will be procured before the Tribunal if possible. It is hoped the witness will be present to testify from the stand.

Dr. NELTE: The address of the witness has been given to us by the witness Schmidt on the witness stand, the Dermatological Institute of the University of Strassbourg.

THE PRESIDENT: Yes.

MR. McHANEY: If counsel Nelte plans to retain the original of the Eyer affidavit for any length of time I will ask him to return it to the Secretary General, as it is now in his custody.

THE PRESIDENT: Dr. Nelte stated he desired to examine the affidavit for a short time. If it is not returned at the end of this session, Dr. Nelte will return the original affidavit to the Office of the Secretary General.

MR. MCHANEY: I would like now to ask the Tribunal to turn to Page 54 of the English Document Book where we find Document NO-434. This is an affidavit of Ferdinand Roemhild, and the Prosecution is quite anxious to have Roemhild appear and testify before the Tribunal. Unfortunately, however, Mr. Roemhild together with an investigator of the Office of Chief of Counsel was in an automobile accident yesterday, and I am not sure that we will be able to get Mr. Roemhild here before the completion of our case. As a matter of fact, we do not yet know how seriously he may have been injured, but I would like at this time, since we have presented our evidence on the typhus experiments and have heard some testimony concerning particularly the Defendant Hoven, to offer this affidavit at this time with the understanding that the Prosecution will secure the presence of Roemhild as a witness before the Tribunal, if that is possible. If he has not been seriously injured, why, it may be possible to get him here early next week before we complete our evidence, but for the purposes of continuity of the record, and because we are not sure that we will be able to get Mr. Roemhild here, I would like to have his affidavit admitted at this time and read into the record.

THE PRESIDENT: That procedure may be followed. If the witness arrives, he may later be sworn. The affidavit, of course, will be received in evidence only provisionally until it is determined whether or not the witness may be present. The affidavit is also sworn to before a U. S. civilian. I presume as yet no certificate has been filed to qualify him to administer an oath.

MR. MCHANEY: That's correct, your Honor.

DR. GAWLIK: Mr. President, Dr. Gawlik for the Defendant, Hoven. I request that the decision which has just been made be examined once more. Roemhild has been called as a witness by the Prosecution. For the time being, it has not been determined if the witness, Roemhild, is injured, to what extent he is injured, and if it would not be possible that he can already appear here within the next few days. The Prosecutor has himself stated that the witness, Roemhild, may probably already be heard here in the beginning of next week.



It has been the usual procedure before the International Military Tribunal that an affidavit could not be read when the person in question appeared as a witness. Before the International Military Tribunal affidavits have been refused because of this reason. I request that this procedure be also continued in this trial, and that the reading of this affidavit be postponed until at least it has been determined if the witness will be able to appear here.

The affidavit could still be read during the next week, and it could also be read after the conclusion of the presentation of the case. It must be added, furthermore, that I must insist under all circumstances, to take the witness, Roemhild, into cross examination if the affidavit should be read.

The affidavit contains a number of obvious mistakes which the witness will have to correct in any case. I, therefore, would consider it a considerable limitation of the rights of my client if the affidavit should be accepted in this case without I having the opportunity of making statements to the witness. I, therefore, request that it be considered that according to the English Document Book the affidavit has been given in the English language. The witness is a German and his mother language is German. It is, therefore, my opinion that no interpreter was consulted. I think that in a case of this kind it must be shown under all circumstances by the affidavit that there a sworn interpreter was used, or that the witness is so conversant in the English language that he can give a statement of such importance as the affidavit of Roemhild represents in the trial against my client. In the way in which the affidavit was taken, it is incomplete in that respect. It must, furthermore, be added that it is not shown by the affidavit that the American civilian, Fred Rodell, who administered this affidavit is capable of administering oaths. This would have to be done in any case. However, in any case I request that the reading and the presentation of this affidavit be postponed also in view of my previous statements.

THE PRESIDENT: I advise Counsel that the Prosecution requested that the affidavit be admitted provisionally only and subject to calling the witness so his personal attendance here might be procured. He does not propose to submit the affidavit as a direct exhibit in the case at this time.



MR. MCHANEY: I assure the Tribunal that the Prosecution is anxious to get Mr. Roemhild here as is the Defense Counsel.

JUDGE SEBRING: Where is he at this time, Mr. McHaney?

MR. MCHANEY: Sir, I don't know. We received a telephone call late last evening stating that Mr. Rodell, an investigator of the Office of Chief of Counsel, was injured in an automobile accident near Heilbrunn and is himself now in the hospital.

JUDGE SEBRING: Is he the Rodell who is supposed to have administered this oath?

MR. MCHANEY: That's correct, yes, and he did not at that time have any information at all about the whereabouts of the driver of the vehicle or of Mr. Roemhild, and expressed some concern because of that. I think it is simply a question of when the affidavit is to be read into the record. We are anxious to read it now because we have dealt at great length with the typhus experiments in this part of the record. We would like to get our evidences as close together as possible. If the man appears here, we know there has been no prejudice. The Defense Counsel — if he can't appear, then I take it that the affidavit would be admissible in any event.

THE PRESIDENT: Do we understand that the witness, Roemhild, was accompanying Mr. Rodell in this automobile trip?

MR. MCHANEY: That's correct, yes, sir.

THE PRESIDENT: You do not know whether the witness was injured or not?

MR. MCHANEY: We know nothing about the witness, that's right.

THE PRESIDENT: Under all circumstances, the affidavit will not be read into the record at this time, but can be postponed until early in the week to ascertain whether or not or when the witness, Roemhild, may be present.

MR. MCHANEY: I turn —

THE PRESIDENT: It is, of course without prejudice, the right of the Prosecution to offer the affidavit at some later time for consideration of the Tribunal when the proper certificate has been filed if it can be ascertained that the witness may not be in attendance.

MR. MCHEANEY: I turn then to Document NO-1190 which is not contained in your Honors' document book, and I am having the translation passed up now. This document was filed in loose form in the defendants' information center yesterday. It is offered as Prosecution Exhibit 321 and is simply a list of prisoners who were assigned as experimental persons in connection with the Danish typhus vaccine experiment in Buchenwald in the middle of 1944.

The Tribunal will recall that the Danish typhus vaccine was the Copenhagen vaccine, and that an experimental series was carried out at Buchenwald in the middle of 1944 to test the effectiveness of the Copenhagen vaccine at the suggestion of the Defendant, Ross, and we find in Prosecution Exhibit 321 a list of forty-three names of persons who were assigned as experimental guinea pigs.

The document is headed Secret. It carries in the left hand corner the initials RKPA which, as I understand it, is the Reichs Criminal Police. The date line is Weimar-Buchenwald, 4 March 1944.

"List of the Protective Custody Prisoners, and habitual Criminals selected and released for the Experiments with the Danish Typhus Vaccine."

THE PRESIDENT: What is the term "protective custody prisoners", Counsel?

MR. McHANEY: Protective custody prisoners -- if I understand the term correctly, your Honor, are primarily if not exclusively political prisoners. They are prisoners who are in a concentration camp under a protective custody order which as I understand it was issued by the Reichssicherheitspolizei, the RSHA. Heydrich was first the Chief of that organization, and following that time, Kaltenbrunner, and people could be committed to a concentration camp under these protective custody orders and I submit that in the context here used it means political prisoners because it says "of the protective custody prisoners and habitual criminals" distinction being drawn between criminals on the one hand and protective custody prisoners on the other, persons who were thought to be dangerous to the state.

THE PRESIDENT: Were these Protective custody prisoners German nationals or did that include nationals of other nations?

MR. McHANEY: Oh! I'm quite sure that it included all nationalities insofar as they were.....

DR. FRITZ: (Counsel for defendant Rose): Mr. President, may I make a statement to clarify this point before the Tribunal? Prisoners under protective custody,

according to the German law are those habitual criminals who have been punished so often, so severely, that their release would mean a danger for the public even after they had lived through their term. Therefore, they were called in "security custody" after having fulfilled their punishment. As far as I know, this law is still effective today because I have heard of cases where even at this time people are placed into protective custody by the German authorities. Therefore, these persons did not have anything to do with political prisoners.

MR. Mc HANEY: If I may suggest to the Tribunal, this is a matter of



argument. We certainly do not accept the statements just made by the defense counsel and I can't believe that he seriously is suggesting that protective custody prisoners are limited to those criminals who have been sentenced by an ordinary German court and have served out their ordinary term of imprisonment and then sent to a concentration camp. It's true that that happened and those indeed are the criminals who by and large were in concentration camps. I am no expert on German law. We are making some endeavor to look into the matter about just who was in these concentration camps. But in any event, it is just a matter of argument as to what the words mean. We submit that they do in fact include political prisoners, defense counsel to the contrary.

THE PRESIDENT: This question will not be concluded by what has been said at this time but will be left open for further argument and investigation.

Does the counsel desire to address the Tribunal?

DR. FELCKMAN (Counsel for defendant Schofer): I am only taking the floor for the reason because I have already made a request several days ago that this record be corrected. In the interrogation of the witness Viehweg, this criminal was appeared here who had been sentenced many times before, there has already been a mistake in translating. There has also been a mistake in translation. We must make a difference between the statement "protective custody" and "safekkeeping". "Protective custody" is a political measure which was used by the police agencies and by political agencies. It is correctly translated "protective custody". The "safekkeeping" is an order by the German courts by virtue of a law about the order of safekkeeping. This safekkeeping is only applied to criminals who, because of their frequent derelictions, mean a danger for the public in the criminal sense and who therefore are being placed into life long confinement by a court. This safekkeeping or confinement is examined from time to time. However, it is a purely legal criminalistic order. Furthermore, the basis of this law can be found before the time of 1933. I do not know if this is a procedure also in other countries.

THE PRESIDENT: What are the German words translated "protective



custody" in the original document?

MR. McHANEY: Will the translator -- will the interpreter read the words which have been translated "protective custody prisoners"?

INTERPRETER: It is stated "Sicherungsverwahrung".

DR. PELCKMANN: The translation to me seems to be wrong in this case. It should read "security enclosure" perhaps. In any case, the German word in the original document is "Sicherungsverwahrung". "Sicherungsverwahrung" cannot, in any case, be translated as protective custody.

MR. McHANEY: I think we're spending a lot of time on a point which is not particularly material. I will try to have the translation checked. I would rather submit it like it is and avoid any further argument and concede a point which I don't think is anything material. We don't admit that they were all criminals and we don't admit they were all German nationals.

JUDGE SEBRING: Can you see anything to the contrary simply from the paper itself?

MR. McHANEY: Certainly not, your Honor. I would suggest that a reading of the names here might indicate to the Tribunal that there are some here where it would be stretching the point very far to be considered German names but we, of course, have no proof that they are German citizens. For instance, Schubrowski, No. 20, being one.

The document is signed "By order of Otto, Kriminalrat."

I come now to an entirely different subject. That is, we are moving on from the typhus experiments.....

THE PRESIDENT: At this time the Court will take its noon recess.

(A recess was taken until 1330 hours).

CORRECTED COPY

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 10 January 1947.)

THE PRESIDENT: At this time the Tribunal desires to state that at the close of the evidence for the Prosecution, which it is anticipated will be ended next week, the Tribunal will recess until a week from the following Monday. This will allow the defendants an opportunity to make final preparations to go into their evidence and will allow all parties concerned to study the evidence which has already been introduced.

I would also like to ask counsel for the defendants if they have made any agreement among themselves or if they desire to make any agreement as to the order in which they will present the respective cases for the defendants. The Tribunal notes that some of the defendants are charged only under two or three or four separate counts, while others are charged under many counts.

If defense counsel desire to discuss this matter among themselves and make any suggestions to the Tribunal, the Tribunal, of course, without being bound to follow any suggestions, will give such suggestions careful consideration.

DR. SERVATIUS: (Counsel for defendant Brandt): I thank the President for the opportunity to prepare our defense. We have not discussed the distribution among ourselves but we shall do so now and we shall prepare a suggestion to the Court. It will perhaps be that because of the brief time required, the small cases will be taken first, so that there will be more time to prepare the longer cases, but perhaps some other interest will be decisive to take the more important case first, which will involve adjudging the smaller cases. It is a question of time.

THE PRESIDENT: The Tribunal understands that counsel will desire to discuss this matter among themselves and the Tribunal, of course, reserves its ruling as to the order of cases but simply would be pleased



10 Jan 47-A-34-12-1-Poldt (ISD)  
Court No. I

to hear suggestions from counsel.

The Prosecution may proceed.

MR. McHANEY: The Prosecution would like at this time to submit certain documents for admission into evidence, dealing with experiments carried out

in connection with biological warfare. These documents are not contained in any one of the bound document books. Accordingly, we will submit and pass them to the Tribunal as they are offered.

The first document will be HQ112, which we offer as Prosecution Exhibit 322. I would suggest that the Tribunal simply mark the translations with the exhibit number and perhaps insert them at the end of the last document book, and they will then have the exhibits in the proper order.

This is a teletype sent by SS Obergruppenfuehrer Koppe from Posen, 5 June 1943, to the Reichsfuehrer SS and Chief of the German Police, Berlin. It reads:

"Urgent. To be submitted immediately. Top secret. My Reichsfuehrer. The representative chief of the Reich Physicians League, Dr. Blohse, reported about 14 days ago to Gauleiter Greiser in an exclusively inter-office meeting in which I also participated, about a highly important special mission from the Reichsmarshal. For that purpose Dr. Blohse is setting up a larger institute near Posen. According to his order he has to work on the same matter on which my former collaborator, SS Sturmbannfuehrer Dr. Med. Strassburger, had successfully experimented since 1937, first on my instructions and later on the order of SS Obergruppenfuehrer Heydrich. Strassburger has also informed you thereof several times, my Reichsfuehrer. As Blohse indicated in that meeting that he still needed capable and skilled collaborators for that purpose, I thought of Strassburger, who no longer concerns himself with that highly important matter, as he is working as a surgeon in a hospital in Munich. May I suggest that Strassburger be put at the disposal of Dr. Blohse for said experiments with the purpose of acting as your representative in this institute of vital importance. As Strassburger has great knowledge and experience in this same field at his disposal, Dr. Blohse's work would progress faster and probably be more promising. Strassburger would be enthusiastic if he could cooperate in that matter. Dr. Blohse is going to stay in Munich until Monday night. Strassburger's address is<sup>6</sup> and then follows the address and telephone number. "The Senior SS and Police Leader with the Reich Regent in Posen in the Military Administrative District Room 21. Signed:

10 Jan 47-A-EM-12-3-Feldt  
Court No. 1

Koppe, SS Obergruppenfuehrer and General of the Police.\*



The Tribunal will recall that Blome's name has been heretofore mentioned in connection with that of Groiser—that is to say, in connection with the extermination of tubercular Poles in Warsaw, Poland, and we now see that the defendant Blome had at a time prior to 5 June 1943 received a highly important message from the Reichsmarshal and as we already know from the affidavit of Blome he was concerned with research in the biological warfare. This document concerns the collaboration of a man named Strassburger in this research work, which is to be carried out in an institute headed by the defendant Blome near Posen.

THE PRESIDENT: I notice in this document that the name of Blome is spelled with an "H".

MR. McMANEY: That's correct, your Honor; we submit, however, that this is in fact the defendant Blome, whose name in fact is Blome. In other words, we suggest that this is a mistake on the part of the sender of the message Koppe and I think that will probably appear to be obvious in subsequent documents. We turn now to No. -113, which will be Prosecution Exhibit —

THE PRESIDENT: Do you want to present this second document as an exhibit?

MR. McMANEY: Yes, sir, that's 322. The next will be No. -113 which will be Prosecution Exhibit 323. This is a letter dated 10 June 1943 from the defendant Rudolf Brandt to SS-Obergruppenfuhrer Koppe, Higher SS and Police Leader, Posen.

"Dear Obergruppenfuhrer:

"The Reich Leader of the SS, Reichsfuhrer SS, has received your teletype No. 8875 of 5 June 1943. He noted it with interest. I would assume that your suggestion concerning Dr. Strassburger will be complied with. But for the time being, don't let any action be taken.

"Heil Hitler

(signed) Brandt

Then second:

"To the Chief of the Security Police SS-Gruppenfuhrer Kalten-  
brunner.

"The Reichleader SS intends to talk about it to the Reichmarshal soon.  
Handwritten initial "B".

Of course, the Reichmarshal referred to in there is Goering. We turn now to Document No.-114, which will be Prosecution Exhibit 324. It is a letter from the Reich Physician SS Dr. Grawitz to Reichsfuehrer SS Heinrich Himmler, dated 1 August 1944.

"Subject of the letter: Counter-measures against biological warfare.

"Reference: Memorandum SS-Oberfuehrer Doz. Dr. Mrugowsky

"Enclosure: One Memorandum.

"Top secure "with Himmler's initials.

"Reichsfuehrer:

The Deputy Reich Health Leader, SA Gruppenfuehrer Prof. Dr. Blohme, has asked our Chief Medical Officer of Hygiene SS- Oberfuehrer Professor Dr. Mrugowsky for a compilation of the most important scientific material concerning counter-measures against biological warfare.

"SS-Oberfuehrer Mrugowsky has worked out the inclosed memorandum which, in consideration of its importance, I don't want to neglect to submit to your, Reichsfuehrer, for your information.

"I call your attention particularly to pp. 9-14.

"Heil Hitler

"Grawitz"

"Note in pencil attached to this letter.

" Letter received for our files without this memorandum on 9 January 1945".

We now turn to Document No-1308 and if the Tribunal please, we would like to offer this document at this time in order to keep the record consecutively although the prosecution has not complied with the ruling that all documents be submitted to defense counsel 24 hours prior to the time of their submission. We, therefore, would like to offer this document in evidence now subject to a reasonable objection on the part of defense counsel.

THE PRESIDENT: The document may be so offered without prejudice to the objection of any of the defendants at a reasonable time.

MR. MCANEY: The document is submitted as Prosecution Exhibit 325. It is noted "Top Secret." "Official Note." It's dated 23 September 1943, signed by Kliewe.

Early in September 1943 Military Science inquired what protective measures had been taken against the use of bacterial weapons; a report was to be made to Chief of the Bureau for Armed Forces Matters. The Chief of Armed Forces Medical Corps informed Military Science on 15 September that the circle of "Blitzarbeiter" would have to remain very limited, and that the Chief of Armed Forces Matters would be informed directly by the Chief of Armed Forces Medical Corps. Then Stabsarzt Prof. Kliewe was directed to make a report on 21 September. As was to be expected Ministerialdirigent Prof. Schumann also appeared, supposedly as a listener. Content of the report preparation of the different countries for bacterial war, possibilities of using bacterial weapons, (a) by airplanes, (b) by agents, saboteurs. A mass use of bacterial weapons has not taken place so far; this is also rather improbable as far as agents of human disease are concerned. But the activity of agents has increased steadily, with bacteria as well as with poisons. Numerous examples were given. Then the numerous safety precautions were mentioned which the Chief of Armed Forces Medical Corps, Army Medical Inspector and Army Chief Physician had issued.

"Then Ministerialdirigent Schumann said that the Fuhrer was surely not sufficiently well informed; that he should be informed once more. We cannot play the part of indifferent spectators; we must also prepare the mass utilization of bacterial materials. Especially American would have to be attacked simultaneously with different human and animal disease agents as well as with plant parasites. The Fuhrer has to be won to the plan. For this purpose the scientists were to submit a brief but complete paper on enemy preparations and on sabotage activity of the enemy with bacterial and poisons. Furthermore, they were to indicate the methods of introduction, and the requisite number of personnel, laboratories, instruments, airplanes, submarines, etc., for the preparation and the attack. These disclosures were to be made jointly by the Chief of the Armed Forces Medical Corps,

Veterinary Inspector, Chief of Armed Forces Matters, Reichsfuehrer of the  
SS and deputy Reichsarstefuehrer."



That, if I may say parenthetically, the Reichsarztbeführer Deputy -- the Deputy Reichsarztbeführer, is the defendant Blome.

"General Reinicke intends to speak to General Jodl early in October whether a new assault is in order, and how it is to be made. The association "Blitzarbeiter" is meeting with little success; it works too slowly; in particular, chemical warfare of Army Ordnance Office has failed. Once and for all a responsible agency for the field of bacterial warfare must be established. Chief of the Armed Forces Medical Corps has been asked to inform the Chief of Armed Forces Matters in writing with regard to the sabotage activity with regard to the sabotage activity with bacteria and poisons discovered so far. Signed, Kliewe, 23 September 1943."

The second page of this indictment is also a top secret memoranda signed by Kliewe. It's dated Berlin, 25 September 1943;

"Concerning the session of the Association "Blitzarbeiter on September 1943.

"In the presence of:

Col. Hirsch, Chemical Warfare, Army Ordnance  
Ministerialrat Stantien, Chemical warfare, Army Ordnance  
Prof. Blome, deputy Reichsarztbeführer  
Stabsarzt Prof. Kliewe, Army Medical Inspectorate  
Stabsveterinar Dr. Deiters, Veterinary Inspectorate  
Stabsveterinar Dr. Nagel, Veterinary Inspectorate  
Regierungsrat Dr. Beyer, Military Science

"First, reading the protocols of the last session. Then further experiments in the field of human bacteriology were discussed. It is intended in October 1943 to drop from various heights on soft ground re-agent jars of a certain shape, filled with a red liquid and red sand. The delivery of the glasses is the responsibility of the Reich Ministry of Air, Air Forces High Command GHS-E7 1 V, to be filled by the Army Medical Inspectorate. The experiment is to show how large an area of dispersion bacterial material has, liquid and solid, filled in jars. Then a larger quantity of bouillon of prodigious bacteria, about 500 liters, of varying viscosity is to be

rained down from an airplane. The -- what is interpreted as -- "spray tank is to be used. The sprayed germs are to be caught on agar plates placed over a large area.

"Since it is not known under what conditions inhaled aerosols or dispersed droplets of certain pathogenic germs cause disease in man, Prof. Blome suggested experiments on human beings. Experimentation in the laboratories of the Academy of Military Medicine was rejected. The questions will be discussed again when Prof. Blome visits my laboratories in the Academy.

"Until 15 October 1943 the Army Medical Inspectorate is to report in writing on the field experiments to be made.

"Veterinary Inspectorate lacks interest in further field experiments since the August 1943 experiments with foot and mouth disease had furnished unequivocal results.

"The production of a vaccine against rinderpest is not planned. If the enemy is to introduce rinderpest into Germany, only the veterinary precautions can be carried out.

"Military Science will undertake in October 1943 a field experiment with potato beetles near Speyer. The beetles will be dropped in a rigid state, so that they will not creep into the ground at once. Immediately after their release they will be collected. Furthermore, the behavior of the beetles at different heights, at changing temperatures, and with strong winds will be tested.

"The Japanese beetle will arrive from Japan in about four weeks; then the attempts at cultivation experiments will begin. A wheat parasite is to be imported from Rumania and Turkey, to be used for experiments in cultivation experiments. Experiments are also being planned with the antler moth, a butterfly, which is supposed to have destroyed 43,000 hectares of pasture in a year. Next session on 24 November 1943. Signed Klieve."

The Tribunal will see from this file memorandum which I have just read that the Association "Blitzarbeiter" was concerned with the problems arising in the field of bacteriological warfare. We find that the Army Medical

Inspectorate is prominently represented on this commission. Of course, the defendant Handloser was the Chief of the Army Medical Inspectorate at this time. We also see that the defendant Blome, who had received a bacterial warfare commission from the Reichsmarshal Goering, has suggested that experiments be made on human beings. We turn now to Document NO-1309. It is offered as Prosecution Exhibit 326 and under the same conditions that Prosecution Exhibit 325 has been accepted into evidence, namely, that the defense counsel shall have the right to raise reasonable objection to this document.

THE PRESIDENT: This exhibit will be received under the same conditions as those previously offered.

MR. MORANNEY: This again is a memorandum signed by Eliowe, dated Berlin, 23 February 1944:

"Secret. Official Note."

Court No. 1

"Subject: Concerning Conversation with Professor Blome on 23 February 1944.

"The Association "Blitzarbeiter" has had no meetings since 24 September 1943. In order to find out whether in the meantime additional experiments were made, I had an interview with Prof. Blome, who is also a member of the association. He discloses the following: The attempts at dropping potato beetles from airplanes met with favorable success. The beetles were dropped from a height of 8,000 m. and remained alive. Further experiments with plant parasites are being planned. He has until now made no experiments in the field of human medicine. These, however, are necessary, and he plans to make them. A new institute under his control is being built near Posen, in which biological weapons are to be studied and tested. Field Marshal Keitel has given the permission to build; Reichsfuehrer - SS and Generalarzt Prof. Brandt have assured him of vast support. By request of Field Marshal Keitel, the Armed Forces are not to have a responsible share in the experiments, since experiments will also be conducted on human beings. Prof. Blome would like me to collaborate as adviser, since I have already made some preparations and since I am able to derive from the results the precautions necessary for the Armed Forces. Prof. Blome did not know that the Chief of the Medical Corps and the Inspector of Army Medical Service have reportedly issued precautionary measures for the units. He asked for copies of these.

"Prof. Blome rightly rejects the Association "Blitzarbeiter" because it works too slowly and because the circle of participants is too large; for this reason secrecy cannot be guaranteed. In particular, Prof. Blome sees no obstacle in the employment of the Chemical Warfare Section of the Army Ordnance Office. Therefore, he wishes to make the suggestion to the Reichsmarshal and Generalarzt Professor Brandt, that the association be dissolved and he be permitted (not through the interposition of the Chemical Warfare Section of the Army Ordnance Office) to requisition airplanes for



Court No. 1

experimental purposes directly from the Air Force Ministry. As a matter of fact, the Ordnance Office has so far been only an impediment in this respect. As early as 5 April 1943, the Chief of the Medical Corps informed Chemical Warfare Section of Army Ordnance Office what experiments will be necessary for the estimate of precautionary measures. So far no action has been taken with respect to the suggestions. In several documents and in the conferences with the Armed Forces, Operations Staff, it was continually pointed out that the Chemical Warfare Section of Army Ordnance Office was working too slowly, whereas the enemy was working most industriously in this field. Professor Blome is of the opinion (as are nowadays other bacteriologists and biologists) that biological weapons (plant parasites activators of human and animal diseases) can become a very serious hazard to us. Therefore this field must be examined more extensively and intensively than before. Especially necessary is an examination of our vaccine, the pestilential virus (plague) vaccine in particular. Experiments must accordingly be made on human beings. Furthermore certain misconceptions concerning the effect of maximum doses of several poisons can be corrected only by experiments on human beings. As soon as Prof. Blome has conferred with the Reichsmarschal and Generalarzt Prof. Brandt, he will notify me.

"In conclusion, Prof. Blome asked if the Chief of the Medical Corps or the Inspector of Army Medical Service are aware of the fact that 4,000 cases of pestilence (plague) have appeared in the European part of Turkey; he received this information from a representative of the I.G. Farben Industry. He has no further information on the subject. (Note: Oberfeldarzt Tackert has heard something about it, but as far as he knows the rumor was not confirmed.)" (Signed) Kliewe.

Here we find that not only is the Defendant Blome concerned with human experimentation with bacteriological weapons, but also the Reichs Fuehrer SS Himmler and that gentleman in the dock, who professes he was just theoretically an SS man, Karl Brandt, has assured Blome of first support. I would suppose



that there were a number of reasons why Professor Karl Brandt was sought for support in this matter. First, he was at this time the Reichs Commissioner for Health and Medical matters. He had also, I think, by this time received his commission from the Reichs Marshal concerning chemical warfare, which the Tribunal will recall was concerned among other things with lost gas experiments on human beings. It is interesting to note that in February of 1944, by request of no less a man than Field Marshal Keitel, the armed forces would not participate in these proposed experiments, since experiments were also being conducted on human beings. Now, how, in the face of that perhaps self-saving declaration of the part of Keitel, defendant in case number one before the International Military Tribunal, can any of the men in the present dock say "No, we stood on too high a place to know of these matters of experimentation on human beings"?

I say again that Field Marshal Keitel was informed and well knew that medical experiments had been made on human beings and at least at this somewhat late date, when the military prospects for the German Wehrmacht were not so good, Keitel showed some squeamishness at the participation of the armed forces in medical experiments. So, I take it that the defense on the part of such people as Karl Brandt, Handloser, Rostock and Schroeder that they did not know such things were going on cannot be true.

We also see at a little later point in the same memorandum of February 23, 1944 that Blome wishes to make the suggestion to the Reichs Marshal and Generalarzt Professor Brandt that the Association, "Blitz-arbeiter" be dissolved and no, Blome, be permitted to requisition airplanes for experimental purposes. Again we see the important position of the Defendant Karl Brandt.

The few sentences at the bottom of the first page of this document are quite interesting, particularly in view of the next document where it says: "Furthermore, certain misconceptions concerning the effect of maximum doses of several poisons can be corrected only by

10 Jan-A-JP-14-3-Moohan (ISD)  
Court No. 1

experiments on human beings. As soon as Prof. Blome has conferred with  
the Reichsmarshal and Generalarzt Prof.

Court No.1

Brandt, he will notify me."

It does not take a very vivid imagination to see that they were all concerned with the use of poisons by enemy agents and saboteurs and Blome insists that since we have a misconception concerning the effect of these poisons, we have to experiment on human beings and that no great issue will be made if they sought out volunteers who would be willing to have themselves poisoned so they could determine the effect of maximum doses, as they put it. In connection with this problem, we also see the name of Karl Brandt mentioned in association with no less a person than Reichs Marshal Goering.

I move on to the second page of this Document, which is another memorandum this time initialed by one "RS". It is dated 22 May 1944, headed "Top Secret, Army Medical Inspectorate no. 131/44. It is from the "Stabsarzt Prof. Kliwke, Military Medical Academy, Berlin, Regarding: Report of Activities:

"It has been learned from the various reports of our agents that England believes Germany is preparing for bacteriological warfare on a large scale. England furthermore believe that reprisal consists in the application of bacteria and their poisons. Therefore, England desires knowledge of the type and of the scope of 'bacteriological operations' in military circles. England wants to know the types of bacteria with which we work and the vaccines we produce on a large scale. From a Conference of American and Russian scientists in Cairo in September 1943 it is also to be gathered that the enemy powers are continuing to prepare for bacteriological warfare. Therefore, our defensive and protective measures have been treated in more detail. Speeches about the necessary protective and defensive measures have been made before new division surgeons and at the advisory conference at Hohenlychen. Furthermore, a nebulizer with motor-drive has been built which sterilizes and disinfects the air in the room. The apparatus can also be used simultaneously for purpose of decontamination. As soon as the various experiments have been completed, the Apparatus will be demonstrated to the Association."

We see from this document that Professor Kliwa was connected with the Military Medical Academy which was under the control of the Defendant Handloser. We also see that speeches and reports were given at the advisory conferences at Hohenlychen, and, as the Tribunal will recall, we have heretofore introduced proof of the fourth meeting of the Military Medical Academy which was held, as I recall, some time in May 1944 at Hohenlychen. You will remember that we submitted a rather long list of names of various persons who attended that meeting. This document indicates that they made some reports on bacteriological warfare measures at the meeting at Hohenlychen. The next part of this exhibit reads as follows:

"Association, 24 May 1944

"(1) Colonel Hirsch states that the last session of 24 November 1943 was canceled because of an air raid. He refers to directive, according to which the Army High Command wants to receive a comprehensive report 15 August and 15 October by Army Ordnance and that Chief of Medical Corps, Veterinary Inspector, and Military Science must previously submit interim reports to the Association. These interim reports have not been submitted to date; it is hereby ordered that they be submitted to the Association without delay, during the week after Whitenside at the latest. In the future the semi-annual dates will be 10 April and 10 October, so that the final report can be turned in to the High Command on the date due.

"(2) Professor Blom suggests that Colonel Geist, Graduate Engineer, Chief of the Bureau for Development in the Technical Bureau of the Reich Minister for Armament and War Production, be admitted into the association because that office must be informed about the field of our experimental. Colonel Hirsch orders a request from Army High Command accordingly.

"Department 1:

"Because of the absence of the specialist the questions about the progress the research must be handled through official channels. Professor Blom will report on his intended protective measures and research.



"Department 2:

"Stabsveterinar Dr. Nagel informs us that the liquid preparations for foot and mouth disease mentioned in the last comprehensive report has already been surpassed, so that the problem of storing it is of no further interest to us. We have been successful in developing a dry preparation which can still be effective in a 1 to 10,000 dilution. Terrain experiments even on a small scale are not being planned at the moment; they are connected with great risks because of the danger from the air. Chemical warfare of Army Ordnance considers control experiments with finely powdered, diluted dry-preparation advisable. There is a plan, depending on the consent of Veterinary Inspector to conduct these experiments on the bacteria field East.

"The representative of the Reich Marshal, Professor Blome, informs us that the work on the development of a vaccine for disease (rinderpest; Ruhr-dysentery"--question mark by translator--"are in progress."

"Department 3;

"Regierungsrat Dr. Bayer: Research on the cankers of the turnip weevil, the turnip bug, and the antler, gives no clear results as yet. The experiments on potato stalk rot and potato tuber decay have been postponed. Experiments with Septoria tritici have been negative so far; on the other hand, blight seems particularly dangerous and will be tested more intensively.



"The experiments on the danger involved in introducing weeds are still in an initial state.

"In general the wish has been expressed to mould the defense upon the food situation and the state of disease in England. The necessary steps will be taken.

"Chemical Warfare of Army Ordnance reports that the bomb AG 50AB developed jointly with General Air Material CE 7, has already shown splendid results."

We turn now to Document Number NO 641 which will be Prosecution's Exhibit 327. Again, I am not sure, and rather think, that the defense counsel has not received the German copy of this and consequently it is offered subject to objection taken by the Defense counsel.

THE PRESIDENT: The document will be received under the same objection as the last.

MR. McHANEY: Has the Tribunal received a copy of the translation ?  
641- this is document number NO 641 which will be Prosecution's Exhibit 327. The first page is simply a facing sheet with the name of Professor Blum on it. The second page of the document is a teletype to SS Standartenfuhrer Dr. Brandt. That is Rudolf Brandt, dated August 18, 1944:

"Professor Blum requests an appointment with the Reichsfuhrer -SS in order to make a report, after 25 August 1944, since various data cannot be made available before that time.

Items to be reported:

- "(1) Use of noxious insects by the enemy.
- "(2) Spreading of Colorado Beetles by the enemy.
- "(3) Poison experiments in connection with the report of 21 July made to Reichsfuhrer-SS. Professor Blum is urged again to test the poison immediately.

"Professor Blum desires my participation but I am summoned to Gauleiter Hofer for August 24."

Page 3 of this indicates that this document was sent by Sievers, but I would like to see the original before. (The original was shown to Mr. McHenry) Yes, I think that is Sievers, SS Standartenfuhrer. It is rather an interesting point about this document, item No. 3, poison experiments in connection with the report of 21 July made to the Reichsfuhrer. Professor Bloch is urged again to test the poison immediately. It appears that certain poison experiments have been carried out by the Defendant Bloch on which he was to make a report to the Reichsfuhrer, and referring back in that connection to the previous exhibit 326 where I stressed to the Tribunal that part of Bloch's memorandum on 23 February 1944 in which he states that since:

"Furthermore, certain misconceptions concerning the effect of maximum doses of several poisons can be corrected only by experiments on human beings"

And I suggest to the Tribunal that these experiments were in fact carried out after 23 February 1944, and that Prosecution's Exhibit 327 indicates that the Defendant Bloch is to make a report on these poison experiments. I would now like to offer for judicial notice by the Tribunal an excerpt from the Judgment of the International Military Tribunal, and this excerpt is taken from Page 16, 891 of the official English Transcript. This excerpt reads as follows:

"Soviet prisoners of war were also made the subject of medical experiments of the most cruel and inhuman kind. In July 1943 experimental work was begun in preparation for a campaign of bacteriological warfare; Soviet prisoners of war were used in these medical experiments, which were often than not proved fatal."

If the Tribunal please, the Prosecution has now supplied a German copy of this excerpt to the Defense Counsel, and I take it that it is not necessary nor required by the rules. I would do so normally. However, this has been gotten together rather hurriedly. I take it then that no prejudice has been done by the Prosecution by not having submit-

ed it to them.

THE PRESIDENT: The Defense Council would be entitled to receive a copy of the extract from the record of the International Military Tribunal, or other matters of which This Tribunal is required to take judicial notice.

MR. McHANEY: We thus see that the International Military Tribunal in its judgement, has made a finding of fact; that bacteriological warfare experiments were carried out on Soviet prisoners of war, and that some of them proved fatal. We submit that the defendant Blome was very vitally concerned and connected with the bacteriological warfare experiments, and is therefore affected by this finding.

I would like to present into evidence two additional documents on the proof of the Euthanasia Experiments. First of these is Document No. 1063. This is a very long and comprehensive report made by the Bureau of Investigation of War Crimes at Amsterdam.

DR. SEIDL: (For the defendants Fischer, Gebhardt, and Oberheuser). The Prosecution intends to submit Document No. 1063 in evidence. I object to the admission of this evidence. It is true that Article 9 of Ordinance No. 7, of the Military Government, which is competent for this Tribunal, facilitates the admissibility of certain documents. This Ordinance speaks of depositions and decisions of military and other courts of the Allied Nations. This is not such a report. I speak further of the courts of investigating commissions of the United Nations for War Crimes. It must be investigated whether Document No. 1063 observes the conditions of Article 9 of Ordinance No. 7. I assert this is not the case. This Document is nothing but a compilation of letters and records of interrogations by police officials, and similar documents. Referring to the first letter dated 26 November 1945, this is obviously a letter addressed to the Minister of Justice of the Netherlands, and at the end of this letter it says; "I am at all times ready to swear to this testimony." It is, therefore, apparent that the report was not sworn. This document I cite only as an example. It contains no other information that the report of this letter was prepared in the presence of an official of the War Crimes Commission. The document can be called a



compilation of records of the most various sorts, but one cannot say that this is an official report of an Investigating Commission for War Crimes for the United Nations. I, therefore, request that this document not be admitted in evidence.

MR. McHENRY: In order not to confuse the argument, I would like to ignore the remarks made by the defense counsel as to the contents of this report. It is immaterial as to what the form of the report may be or its contents. The question is: whether or not it is admissible in evidence or whether it is entitled to be judicially noticed by the Tribunal. Article 9 of Ordinance No. 7 states that the Tribunal shall always take judicial notice of official Governmental documents and reports of the United Nations, including the acts and documents of committees set up in the various Allied countries for the investigation of war crimes, and the records and findings of a military or other tribunal. It is, however, the acts and documents of a committee set up in one of the Allied countries; namely, that of the Netherlands, and each page of this document, the original of which is in Dutch, bears the official stamp of this committee. It is quite apparent that it is a report of an official committee set up in the Netherlands, and it represents a very painstaking and prolonged investigation. And, contrary to what the defense counsel has said, I think that this report includes verbatim extracts from statements taken from witnesses rather heightens the probative value of the document itself, rather than detracts from its admissibility. A great number of these reports made by investigating commissions are nothing more than a running account of the conclusions of investigating commissions, but here the Tribunal is provided with these facts and statements upon which the committee bases its report. The Prosecution is not concerned as to whether this document be accepted as an exhibit. We would prefer it that way because it then gets an exhibit number, and is more easily



identifiable in the record, and that the Tribunal take judicial notice of it as required by Article 9 of Ordinance No. 7. We have no intention of reading this very long report into the record. We simply include it with the thought that it might be of some assistance to the Tribunal in looking over and determining the extensive scope of the medical experimentations on human beings, and this report covers seven different concentration camps. I would like to pass up to the Tribunal the original document.

(The document was delivered to the Tribunal.)

DR. SEIDEL: I should like to make the following statement in regard to the Prosecution's argument: Article 9 of Ordinance No. 7 speaks of reports of investigating commissions for the United Nations for War Crimes, according to the interpretation of that, I understand it to mean reports and not just the reproduction of police investigation records or of letters or similar documents. A report means the summary and evaluation of the investigating commission set up to investigate these crimes. The heading of this document, Document No. 1063, reads as follows: "That in this case, at least, there is no report, no evaluation of the results of the investigation."

In the trial before the International Military Tribunal reports of such investigating commissions were accepted; but they were not merely a compilation of police records or of letters to the authorities. They were always the result of an independent investigation of the commission concerned, which, similar to the activity of a court, had evaluated the material presented and had investigated it to determine to what extent this material had evidential value. There is no question of such an evaluation in this report. As the heading alone shows, it is only a compilation of individual documents of police investigation records, of letters to the Ministry of Justice, without any investigation having been made as to whether the individual documents really came from the persons concerned and without the commissions' having evaluated the value of the material.

THE PRESIDENT: The Tribunal has had no opportunity to investigate this document. Does it contain statements concerning the defendants in this proceeding?

MR. McMANEY: Yes, a number of the facts reported in here concerned experiments with which we have dealt in this case. Other statements go beyond that and concern other matters which we have not here specifically touched upon.

THE PRESIDENT: The Tribunal will recess at this time.

THE MARSHAL: Tribunal Number 1 will recess for a short time.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: Concerning the exhibit that was offered by the prosecution, the Netherlands' exhibit, the Tribunal having had insufficient time to have examined this exhibit, will reserve its ruling upon its admissibility.

MR. MCANNEY: The prosecution would now like to offer NO-444.

THE PRESIDENT: Here's the original exhibit.

MR. MCANNEY: As Prosecution Exhibit 328. The report by the Netherlands was offered as 328 but since the Court -- it might be, if the Tribunal please, -- it might be better to preserve that number after being offered as Prosecution Exhibit 328 pending the ruling of the Tribunal on its admissibility.

THE PRESIDENT: That's correct. The offered exhibit will be marked Prosecution Exhibit 328.

MR. MCANNEY: Document NO-444, will therefore, be Prosecution Exhibit 329. This is another affidavit by the defendant Rudolf Brandt. I might say that this is being offered provisionally until such time the certificate of General Taylor is furnished to the Tribunal with respect to the right of Walter Rapp to administer an oath. The affidavit reads as follows:

"I, Rudolf Brandt, being duly sworn, depose and state:

"1. I have heretofore given affidavits concerning low-pressure, freezing, seawater, spotted fever, sterilization, lost and jaundice experiments. As I have stated, these experiments were conducted on concentration camp inmates.

"2. Before an experiment could be conducted on inmates of a concentration camp, Himmler's permission had to be secured. Himmler was very much interested in medical matters, and it was easy for the physicians concerned to obtain his permission. This was particularly the case if it seemed that the experiment concerned might aid the war effort.

"3. Prisoners to be experimented on were selected by Oswald Fohl, Chief of the Economic and Administration Main Office. (WVHA) Unless he did it himself, Himmler used to order me to inform Fohl that a certain number of prisoners should be kept ready for a particular experiment. The people to be

experiments on were generally earmarked by Himmler --for instance, Jews, Gypsies, Poles or criminals condemned to death. The individuals to be used were selected at the camp out of the groups specified beforehand by Himmler. Later on Himmler no longer ordered that only volunteers condemned to death were to be used, and it is quite obvious that concentration camp inmates normally did not volunteer for the said purpose. They simply were selected and experiments on without asking their consent. The physicians and other persons involved in these experiments appealed to Himmler since it was impossible to get volunteers. No one involved in these experiments could fairly believe that only persons volunteering for that purpose were used.

"4. In some cases prisoners condemned to death were used for these experiments, but not always. In the course of the low pressure and freezing experiments Himmler order the death sentence to be commuted to imprisonment for life for those who should survive the experiments. This directive, however, did not apply to Poles, Russians and Jews. Prisoners of several nationalities were used for the experiments. Usually non-German nationals were used because of Himmler's racial theories.

"5. A number of people close to Himmler were well informed of these experiments. Karl Brandt, Grawitz and Gebhardt were consulted on this matter by Himmler. The aforementioned were members of the SS-Gruppenfuhrer Corps, and often the experiments were topics of discussion in private talks at Gruppenfuhrer meetings. Such a fundamental matter as were the experiments on human beings simply could not go on at all, without the men knowing of it and taking a position with respect to it. Mrugowsky and Poppendick (both members of Grawitz' office, as well as Sievers, were as familiar with these experiments as I was by virtue of the orders I received. Kurt Blome, in his capacity of Deputy to Conti must have been as well informed as Conti himself. High-ranking representatives of the Luftwaffe, the Army, and the Navy were also involved in this affair, because many of the experiments were conducted on behalf of the Wehrmacht, Hippike, Schroeder, and Michl certainly did know about the low-pressure, freezing and sea-water experi-



ments as well as the experiments conducted by Haagen at Natzweiler. It would not be sticking to the truth if one were to say that these experiments were exclusively an affair of the SS. Signed Rudolf Brandt."



MR. SHANEY: This affidavit, of course, sums up in a few words what has become so abundantly apparent from the proof heretofore submitted to this Tribunal.

The Prosecution will have occasion, I think, before we finally rest our case in chief to present perhaps a few additional documents concerning medical experimentation. However, at this time we turn to a somewhat different phase of the case and that is the so-called "euthanasia program" carried out in Germany between the summer of 1939 and the end of the war.

DR. FRICKMANN: Mr. President, The Prosecution has no objection to my interrupting this presentation briefly at this moment with a question concerning the statements of defense counsel. I have already yesterday made a written request to the Tribunal with regard to this question which will be unknown at this time to the Tribunal.

The Tribunal has in the meantime announced after the noon recess that a postponement will take place after the conclusion of the presentation by the Prosecution. Now, as the Tribunal has suggested, the defense will consult each other about their procedure to be followed. However, for the preparation of this discussion I would request that two additional points be clarified at this time:

First: For how long will the postponement last?

Let us take an example: If as the Prosecution has planned it will conclude its presentation on the coming Thursday, that will be the 17th, and we should have an additional ten days for our preparation, and the recess would be over on the 27th. If we have misinterpreted the Tribunal correctly, with this limitation of time, then the more question remains open:

What will happen if up until the 27th of January the defense has been unable to contact the witnesses which it has called. No decision has been reached yet about the interrogation of witnesses by the defense, and as far as I know not a single witness for the defense has arrived in the meantime in Nurnberg. I recognize the difficulties which exist in order to bring these witnesses here until the end of this time limit which will be the 27th. However, on the other hand, I request that the following be considered:

If I am supposed to develop the theory of my defense, that is, if I am to state in brief words what I want to prove in order to disclaim the allegations by the Prosecution, then I must know if I am actually in a position to prove this. However, I can only know that if I can previously talk to the witnesses whom my client has requested to appear in his defense. I am afraid that this will not be possible by the 27th of January. I have, therefore taken it upon myself to suggest, that the opening speech, and in this case I am only speaking of the client whom I represent, that I will only want it for my client at the beginning of my presentation of evidence. I assume that up to that time some days and weeks will pass, and the same thing will apply to the defense counsel whose turn comes later and they will be able to make their opening statement and to also prepare their evidence properly. I believe that this should be suggested in order to get out of this calamity, and may I point out in conclusion, that also the Prosecution when it made its opening speech already had the documents available upon which it was based and also on the basis of interrogations which had taken place in the pre-trial procedure, and believed that it would be certainly able to actually prove that which it had claimed.

Mr. McHANEY: If the Tribunal please, I am not sure I got the suggestion of Mr. Felchmann. If I understand it correctly he is asking that the Tribunal permit each defense counsel to make his opening statement and then present his evidence, instead of each of the nineteen defense counsel making something in the nature of an opening statement on two days, or however much time is allowed to them for that. Is that correct?

THE PRESIDENT: It is correct.

Mr. McHANEY: I don't know that I am prepared at this time to express a general opinion on this subject. It would inconvenience the Prosecution to the extent that we would not be advised of the nature of the defense being put up by each defendant until immediately before he began the presentation of evidence. In other words, we have gotten nothing in the way of a bill of particulars, nor have we been advised, as the defendants themselves

were, by the indictment as giving information about what their defense will be. It will naturally take us a little time to prepare our cross examination, our documents and rebuttal which will go in while the defense is presenting its case, so it may be this would work an imposition or hardship on the prosecution as to its course or procedure. However, unless the Tribunal wishes to make a ruling at this time, I would be glad to consult General Taylor on this matter and secure his opinion, and I also would like to state that it seems to me that defense counsel had had a considerable period of time. The indictment itself was filed, as I remember on the 5th of November, in which was given in quite some detail the charges as against the defendants, and the trial began on the 9th of December, and we still have some days to run plus adjournment, a minimum of seven days, for further preparation by the defense, so I don't see that they have been really imposed upon with respect to the matter of time.

Now as to bringing the witnesses to Nurnberg, I don't suppose that those nineteen defense counsel are suggesting that we should have in Nurnberg within the next week, or at least prior to the time the first defense counsel begins presenting his defense, all of the witnesses which the defendants propose to use. I do not know precisely how many witnesses they have requested, but I think it is rather a substantial number, and the movement of all of those witnesses to Nurnberg, and the maintenance of all of those witnesses in Nurnberg, until the close of this trial, would I think, be an impossibility. If I have the number the defendants have decided on, and the order in which they are presenting their case, then I could work out some sort of schedule for the movement of the witnesses. Prosecution also intends to begin a review of the case made by defendants, and so, if in certain instances it would not be possible to stipulate certain facts, which would obviate the necessity of the appearance of certain witnesses. Here also I think any procedure should be modified from time to time to meet the facts and difficulties, and I think it is calling upon the Tribunal to do quite a lot to set forth these rules before these difficulties arise.



THE PRESIDENT: The Tribunal is aware of these questions which will arise and as to the recess, after the Prosecution closes, which is now next Thursday or Friday, the Tribunal would be in recess until a week from the following Monday, and if the case of the Prosecution rests any day or than this, a matter of a recess will again be considered by the Tribunal. As to the opening statements by the defendants, at the present time the Tribunal is of the opinion that when the defense opens its cases, each defense counsel should make some statements concerning his defense, and what he expects to prove. That would not limit him necessarily, because when that particular defendant's case is called the defendant could then make some further statement, if it was found advisable or necessary in the protection of the rights of his client to do so.

The Tribunal is aware of the difficulty in the matter of witnesses and has endeavored to be liberal in approving the application for the bringing of witnesses and documents. Those have come to the Tribunal and have been approved by the Secretary General and a few have been denied, and with this approval seeing that these requests were carried into effect by the proper officials concerning operation.

The Tribunal at this time has information, and certainly as counsel for the Prosecution has said, it cannot be expected that a large number of witnesses will be brought to Nurnberg and held here an indefinite time. When the matter of the order in which defendants' cases will be presented and determined upon is decided then it would seem to me that arrangements for the procurement of these witnesses can then be made with a special attempt to procure at the earliest possible time the witness who will be first called to the stand. That is also a matter in which many questions will arise doubtless and which will have to be determined when they do arise.

The Tribunal and the Prosecution has been cooperative and is of the opinion that the defense should have every reasonable opportunity to procure such witnesses and documents as are deemed necessary for the presentation

of a proper defense. Does this answer the question propounded by Mr. Felckmann?

MR. FELCKMANN: Mr. President, I have understood your answer. However, I am afraid that again at a later period of time there will still be additional difficulties in procuring the witnesses, because if the witnesses are only brought here when the case of the individual defendant is brought before the Tribunal, or a short time before that, then this will be impossible for technical difficulties which prevail in Germany at this time, also because of the cold and railroad conditions, and this also will become rather an impossibility.

THE PRESIDENT: Here I would say that when the defendant "A" presents his defense, and if you have certain witnesses which he desires and which are not then available, the matter of the evidence to be introduced by him in his defense will not be definitely closed, but that if a witness is not then available, but will be available later, the Tribunal would still hold his case open until he may present his witness.



DR. PELCKMANN: But then it will happen, Mr. President, that the opening statement of each defense counsel will be very, very brief, because nobody wants to claim anything that afterwards may be impossible to be proven. However, I believe that it could still be considered, the suggestion which I have just made, that the opening statement be made before the presentation of evidence for each defendant. The only objection of the prosecution to that is actually only that it will then have only a short time before the actual presentation of the evidence, and it will only be able to recognize the line of the defense at that time. However, the same objection has been raised from the very beginning to the presentation of the prosecution. The Tribunal will be able to recall that I have stated that the prosecution does not even let it be known in the indictment the charges which are made against the individual defendants, and therefore it is not correct, either, if the prosecutor states that the defendants already had a sufficient time since the indictment was handed to them to prepare their offense. Nothing at all can be seen from the indictment.

THE PRESIDENT: At the present time the Tribunal, while it may change its ruling, is of the opinion that each defendant should make some opening statement when the defense case is called. But as I stated a moment ago, that defense may be amplified within reasonable limits, because at that time each defendant will be in a better position to state exactly the evidence which he expects to offer.

DR. PELCKMANN: Mr. President, because the translation was not quite complete, may I repeat your words thus. It will be left to the defense counsel at the beginning of his presentation of evidence to extend and to further broaden his opening statement. That is what I presume that the President stated, but it has not been translated correctly.

THE PRESIDENT: Of course each defendant having made his opening statement at the opening of the defense may, when the case of that individual defendant is called, amplify the statement; he may retract certain parts from that statement; he may then state with more exactness exactly the proof that he expects to offer.

But the Tribunal is of the opinion that it would be helpful to everyone if at least some brief opening statement were made on the opening of the defense by all the defendants. Of course in all these rulings of the Tribunal it must be made to appear to the Tribunal that each defense counsel, in what he is doing, is acting in entire good faith with the Tribunal. When that appears, the Tribunal will endeavor to accord each defense counsel and each defendant every reasonable opportunity that it appears he should have.

MR. BELMONT: One final word before we move on to Extermination. I trust and hope that defense counsel is not waiting the movement of the witnesses to Nurnberg before contacting them in finding out what they know about this case, because if they are doing that, it is going to mean that we call a great number of people here who will not be prepared to offer any relevant testimony to the case and will just burden everyone. It will also mean that we call a great number of people here who will not be prepared to offer any relevant testimony to the case and will just burden everyone. It will also mean that defense counsel's case will be much slower in being presented to the Tribunal if they delay their contacts until that date. So I have assumed that when they have put in a request for a witness that they have in some manner, either by telephone or mail or by a trip to see the witness, established that the witness has something relevant to the case to testify to. I hope I am not —

THE PRESIDENT: As I stated a few moments ago, in considering any request by defense counsel, the Tribunal would have to be assured that defense counsel had acted in entire good faith, that during this period counsel for the respective defendants

have made every effort possible to contact the witnesses and ascertain what they will say. Certainly it would not be reasonable to request a witness from a distance without having any idea as to what he would testify. Contacts should certainly be made by telephone, by personal application, by letter, and possibly in other ways. Defense counsel would be expected to exert every possible effort in ascertaining at the earliest possible date what witnesses they wanted and what they would testify, and then determine whether or not such testimony would be relevant or material, or possibly whether or not, as was stated in court by counsel for the Prosecution, what the witness might testify to what might be agreed to and stipulated by the Prosecution.

DR. SAUTER: Mr. President, may I express myself on the question which we are discussing? The Prosecution has stated that the defense counsel could get a clear picture about their witnesses through letters, through telephone, or by making trips. In most cases this is quite impossible for us, because first of all, if we try to ask questions by letters, we will find out very little, and we will not be able to gain a clear picture about what the witness may know or may not know.

I don't need to waste any words about the subject of the telephone, because with a telephone I will be unable to contact distant places, and if I have succeeded in getting the right connection, then I will be interrupted after maybe five or ten minutes. The only thing that is left open to me, then, are the trips, and I must state the following in this connection:

About a year and a half ago we were offered motor vehicles for trips of this kind. Of course, we have never obtained these motor vehicles. To make these trips today by railway is completely impossible for us, because we defense counsel, after all, have to attend the sessions here. I cannot be away for a week



and then only limit myself to reading the record afterwards. And with the conditions prevailing on our railroads today it is also quite impossible to get anywhere by train. For example, in the last week I required more than eleven hours to take a trip from here to Munich, and I arrived at Munich at three o'clock in the morning, instead of at 1900 hours in the evening. If that happened to me in another city where I am a stranger, then with the cold which is prevailing right now I could stay in the station all night.

All these conditions are so difficult for us that under the conditions under which we have to work here in Nurnberg it cannot be expected of us that we be constantly traveling from Monday to Friday. I wanted to point out these difficulties so we will have clarity on that subject from the very beginning, that we will plainly be unable to fulfill this demand.

THE PRESIDENT: The Tribunal well recognizes the difficulties suggested by counsel. The only thing the Tribunal requires is that every reasonable effort be made by counsel in order to procure the attendance of their witnesses and expedite the trial. It cannot be expected that the Tribunal will order that every possible witness who might have some evidence material or more or less material must be brought to Nurnberg. The difficulties of transportation work both ways.

Now, besides the methods offered, which of course are complicated and difficult and in some ways inadequate, it would appear that on some occasions, at least, a letter could be written to some lawyer in the town who could interview the witness. I am just suggesting these things. They are matters which every lawyer knows. Many of the applications for witnesses which have been made have been applications for the attendance of men who would answer letters. It is very evident from the names and the positions occupied by the witnesses that they would communicate what evidence they would or would not give.



The Tribunal does not intend to demand the impossible or in any way to be even unreasonable in view of all the circumstances. But at the same time it is necessary that the trial be reasonably expedited and not unduly prolonged, always with due regard to the rights of the defendants to present their evidence in the best manner possible to them. As specific questions arise, the Tribunal will always be open and will listen with attention to any reasonable application for relief in any specific circumstances.

As I said a moment ago, the case of each defendant would not necessarily be closed when he had offered all the evidence then available to him. His case could be held open to offer evidence which became available at some subsequent time. I know nothing more that the Tribunal can say at this time.

MR. MOHAMED: In the few minutes remaining to us this afternoon I should like to begin with the presentation of evidence with respect to the so-called "euthanasia program" as it was carried out in Germany from about September 1939 until about April 1945.

It is alleged in Count 2, Paragraph 9 of the indictment as follows:

"Between September 1939 and April 1945 the defendants Karl Brandt, Blome, Brack, and Hoven unlawfully, wilfully, and knowingly committed War Crimes, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the execution of the so-called "euthanasia program" of the German Reich, in the course of which the defendants herein murdered hundreds of thousands of human beings, including nationals of German-occupied countries.

"This program involved the systematic and secret execution of the aged, insane, incurably ill, or deformed children and other persons by gas, lethal injections and other means in nursing homes, hospitals and asylums. Such persons were regarded as 'useless eaters' and a burden to the German war machine. The relatives of these victims were informed that they died from natural causes such as heart failure. German doctors involved in the euthanasia program were also sent to the Eastern occupied countries to assist in the mass extermination of the Jews."

The same facts are charged on paragraph 14 of count III of the indictment as constituting a crime against humanity. I would like to make clear at the outset that the Prosecution does not take the position that no State can validly enact a law dealing with euthanasia. I understand that some few countries have euthanasia laws. It goes without saying, however, that any such law would have to be carried out under proper safeguards. The Prosecution does take the position that the German Reich never enacted a euthanasia law or to put it more broadly, no euthanasia law was ever promulgated in any form. German courts have already so held repeatedly and these judgments will be brought to the attention of the Tribunal in due course. To further contend, even though it is assumed, arguendo, that a valid German law was promulgated, there was no right, moral or legal, to apply such an assumed law to non-German nationals, peoples of German occupied countries. Here again, we are not without legal precedent, as it was held by a United States Military Court in the Madawar case that the application of the so-called euthanasia to non-German nationals was a crime and several defendants were condemned to death. This judgment will also be presented to the Tribunal in due course. The Tribunal has already heard considerable testimony concerning the operation of the euthanasia program in this case. Such testimony was concerned with the infamous action known as

"11 F 13". We have heard the witnesses Preinig, Haff, Ferdinand Paul, Kogon testify concerning this action "11 F 13", and they have made it amply clear that this action was applied to non-German nationals. They have also made it clear that this systematic execution of peoples incarcerated in concentration camps was applied not simply to those thought to be incurably insane, but also those afflicted with other diseases, even extending to people who had had members of their body amputated.

Proof in this case shall make it amply clear that the action "11 F 13" was a part of the euthanasia program, and I will remind the Tribunal in that regard that the witness Kogon has only recently testified of the movement of concentration camp inmates from the Buchenwald Concentration Camp to the euthanasia institute at Bernburg; and the Tribunal will hear this news again and again as the documents are presented on this portion of the case. There can be no dispute that Bernburg among others was one of the institutions in which the execution of the insane, the aged, and other persons was carried out under the euthanasia program.

Before proceeding to the presentation of evidence, I respectfully ask the Tribunal to take judicial notice of the Judgment of the International Military Tribunal in the case of the United States of America, France, Great Britain, and the USSR against Hermann Wilhelm Goering and others; the portion of the Judgment which deals with the so-called euthanasia program is to be found on pages 16,916 to 16,917 and page 17007 of the official English transcript. These excerpts have been included in the first euthanasia document book which is now before the Tribunal. They are on page 1 and 2. The first excerpt which is the one appearing on pages 16,916 and 16,917 of the official English transcript is on page one of the English Document Book. It reads as follows:

"Reference should also be made to the policy which was in existence in Germany by the summer of 1940, under which all aged,

insane, and incurable people, 'Useless eaters', were transferred to special institutions where they were killed, and their relatives informed that they had died from natural causes. The victims were not confined to German citizens, but included foreign laborers, who were no longer able to work, and were therefore useless to the German war machine. It has been estimated that at least some 275,000 people were killed in this manner in nursing homes, hospitals and asylums, which were under the jurisdiction of the defendant Frick, in his capacity as Minister of the Interior. How many foreign workers were included in this total it has been quite impossible to determine."

The second excerpt is from page 17,307 of the official English transcript, and it appears on page two of the English Document B-1. It reads as follows:

"During the war nursing homes, hospitals, and asylums in which euthanasia was practiced as described elsewhere in this Judgment, came under Frick's jurisdiction. He had knowledge that insane, sick and aged people, 'useless eaters', were being systematically put to death. Complaints of these murders reached him, but he did nothing to stop them. A report of the Czechoslovak War Crimes Commission estimated that 275,000 mentally deficient and aged people, for whose welfare he was responsible, fell victim to it."

I would call the Tribunal's attention to the fact that these findings by the International Military Tribunal draws no distinction between German citizens, subjected and executed through the euthanasia program, and non-German nationals.

The second excerpt makes no distinction whatever, and all of these executions are described with the word "murders".

We turn now to Document 630-28 which we offer as Prosecution Exhibit 330. This is on page 3 of the English Document B-1. This document was presented in evidence in the trial before the



International Military Tribunal, and was there admitted as USA Exhibit Number 342. This is a letter dated 1 September 1939, and the letterhead of A. Hitler.

THE PRESIDENT: What is that date, counsel, by page here - it is impossible to read it.

MR. MC HANEY: I will pass the original up, Your Honor.

DR. SERVATIUS: Mr. President, this document is just being introduced as a letter of Hitler. I would like to state at the very beginning that it is not a letter. A letter is addressed to an addressee, but I claim it is a decree. It was compiled with the assistance of Karl Brandt. I only want to state here that this is not a letter, but that it is a decree. I would like to emphasize this at the very beginning.

MR. MC HANEY: I take it that that is a matter for argument whether it is a letter or a decree. In any event, I would like to have the document passed up to the Tribunal, and they can see for themselves just what the document looks like. In any event, it is dated Berlin, 1 September 1939. It reads as follows:

"Reichsleiter Bouhler and Dr. Brandt:—" The translation "N.D.", I don't know whether that should be "N.D." or not "—are charged with the responsibility of enlarging the authority of certain physicians to be designated by name in such a manner that persons who, according to human judgment, are incurable can, upon a most careful diagnosis of their condition of sickness, be accorded a mercy death. Signed A. Hitler." with a handwritten note at the bottom "Given to me by Bouhler on 27 August 1940, signed Dr. Goerther."

MR. BELMONT: As to the date on the top of this document shows that is 1 September 1939, this letter of "Urgency" or order, was issued on the very day of Germany's attack on Poland, on the day when the highest war lord of Germany certainly was not concerned with humanitarian and eugenic matters. This date alone proves that the measures to be carried out were not intended for the benefit of humanity, but for the benefit of total war. The other day the handwritten note on the bottom of the letter showed that Goertner, the Minister of Justice, received it almost one year after its issuance. If the persons who were charged with the responsibility for the execution of these instructions would have considered this piece of paper to constitute a law, they would not have hesitated to submit it immediately to the highest legal authority in the Reich in which the sphere of influence would have widely affected this program.

At this time I ask the Tribunal to recall the affidavit of the defendant Karl Brandt, which was document NO-475, introduced as Prosecution's Exhibit No. 4; also the affidavit of the defendant Viktor Brack, which was document NO-520, introduced as Prosecution's Exhibit No. 34, and the affidavit of the defendant Blume, which was document NO-471, introduced as Prosecution's Exhibit No. 238.

In paragraph five of the affidavit of Karl Brandt, he admits his connection with the Euthanasia program. So it is with the defendant Brack in paragraph five of his affidavit, Prosecution's Exhibit No. 34, and, defendant Blume in paragraph five of his affidavit, Prosecution's Exhibit No. 238, admits his knowledge of the program itself, and in the role which was played by the defendants Karl Brandt and Brack. For the convenience of the Tribunal we have included the affidavit of Karl Brandt and Viktor Brack in the document book on page four and page seven respectively. The affidavit of Blume should be included in one of the following document books on Euthanasia.

I now offer into evidence Document NO-253.

MR. BELMONT: Just a moment, counsel. Regarding the remarks made

10 January - A-DJG-22-1-Gallagher (15D)  
Court No. 1

by Dr. Servatius; of course, the description by the Prosecution of this document or letter is not binding. The document speaks for itself subject at all

times to argument, to which it now actually is. Counsel the pages in the Document Book furnished the court is not numbered.

MR. McHANEY: Is not numbered?

THE PRESIDENT: Is not numbered. Please explain this part which was left out.

MR. McHANEY: If the court please, at the conclusion of today's session, if you will please hand your books back, I shall see that they are numbered.

DR. FRUCHHEIM: Mr. President and Mr. McHanev, I am defense counsel here for Drack-Viktor Drack. The prosecution now intends to make the chart—Mr. President, the prosecution now intends to make the chart the subject of discussion. I object to the admission of the chart as evidence, and I shall give a full reason for my objection. The chart was compiled in the course of a preliminary procedure by the gentlemen of the prosecution as from the defendant Drack and as a sketch without any further documentary support, and the official relations between the persons for which they are interested was shown to the prosecution in this matter; in this way there is the picture of coordination, subordination, organization, and system between the defendants Drack, Karl Brandt and Blom and of Frick and so on; an organization which in reality never existed. The affidavit itself was not compiled by the defendant Drack, but by one of the interrogators. It was only submitted to the defendant Drack on the 12 October 1946 for his signature. It was compiled from the statements of five or six of his interrogations. At that time Drack had protested against the contents and the formulation of the affidavit because of using inappropriate German words, which had become completely incorrect. It was so admitted by Drack to one of the interrogating officials that the text of the affidavit was not correct on all the points, and did not agree on all points in the text of his affidavit, and on two points the affidavit contained a conclusion which had been drawn by the prosecution; also from the translation into the English language also showed some linguistic difficulties. However, it was further stated that



10 January 4-DJO-2241-Ghllagher (HED)  
Court No. 1

it was not so much the words as rather the meaning of the declaration.

Since, however,

it had been incorrectly introduced, in reply to this Brack has also objected to the change of the formulation that took place on some points. However, Brack at that time was physically and mentally in a very bad condition, and therefore, he did not realize that the affidavit submitted to him, together with the chart, contained numerous mistakes, misunderstandings, and incorrect statements. He therefore gave in to your official and signed the affidavit. With this story as I have just described it to you, the affidavit and the chart, which was part of the affidavit, is not a correct declaration which came out of the defendant Brack himself, and therefore, it seems to be and to have lost its legal admissibility as evidence.

MR. MCNAMEY: If the Tribunal please, the argument seems to be somewhat confusing by the fact that a great number of the remarks made by the defense counsel were addressed against the document, which has already been admitted into evidence, namely, the affidavit of Viktor Brack. I did not quite understand his objection at the start.

THE PRESIDENT: Of course, in the matter of the affidavit already received in evidence as made by the defendant Brack is subject to any attack by him, which he may have the privilege of making when he takes the witness stand, as to his physical and mental conditions at that time. On the other hand, the prosecution must be prepared to establish that chart now under discussion is correct.

MR. FRUEROHMANN: May I still make another statement.

THE PRESIDENT: Yes.

MR. FRUEROHMANN: When the affidavit was presented, the chart was not

enclosed with the affidavit. The chart was only submitted as a document to the defendant Brack two days ago, and therefore he was not able to previously take any stand whatsoever in connection with this chart.

DR. SERVATIUS: Dr. Servatius for the defendant Karl Brandt. Mr. President, I have just found out the objections which exist against the admissibility of this affidavit. I therefore object to its use against Karl Brandt and I ask that the prosecution be requested to present the original interrogation and files so comparison can be made to what he has personally stated, and what has later been put into the affidavit.

MR. MC HANEY: I would like to repeat that the affidavit, if I am correct, is already a part of the record, so I don't understand the objections being made to the affidavit itself. I now want to offer into evidence the chart, which is being offered as signed by the defendant Viktor Brack. This affidavit is true, and it contains some descriptive material which we will read into the record, but the affidavit itself has long since been admitted, and is Prosecution's Exhibit No. 34. Document NO-620.

THE PRESIDENT: Mr. McHaney, is this chart which is now on the wall a correct facsimile of the chart—

MR. MC HANEY: Yes.

THE PRESIDENT: ---of the scalar chart which you are preparing to offer in evidence, or is it a composite chart made from several charts, as was the case in regard to the composite charts that were referred to at the inception of the trial?

MR. McLANEY: The court room chart which is used for the convenience of the court only purports to be a reproduction of the chart drawn and signed by the Defendant Brack. The big chart, of course, is not offered into evidence. It is a copy of the smaller chart. The smaller chart, which is signed to by the defendant Victor Brack, is the document being offered at this time.

THE PRESIDENT: Of course, it's very important to all concerned that any chart offered and received in evidence, studied by the Tribunal and the respective parties, is in fact correct.

At the time, the Tribunal will recess until ninetythree o'clock on Monday morning. The counsel for the prosecution should make every effort in the meantime to ascertain whether or not this chart is, as a matter of fact, a correct representation of the facts, and we will take the matter of the presentation upon the morning.

MR. McLANEY: I would like, before the Tribunal adjourns, to correct the record. It was stated that the affidavit of Brack was Document NO-320, Prosecution Exhibit 34. That is, in fact, an affidavit of Victor Brack. However, the one with which we are here concerned is another affidavit by Brack which is Document NO-426 which was admitted as Prosecution Exhibit 160.

THE PRESIDENT: The Tribunal will now recess until Monday morning.

THE MARSHAL: The Tribunal will not recess until nine thirty Monday morning.

(The Tribunal adjourned until 13 January 1947, at 0930 hours.)



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# **OFFICIAL RECORD**

## **UNITED STATES MILITARY TRIBUNALS NURNBERG**

**CASE No. 1    TRIBUNAL I**

**U.S. vs KARL BRANDT et al**

**VOLUME 5**

**TRANSCRIPTS**

**(English)**

**13-16 January 1947    pp. 1522-1870**

Corrected Copy

Official Transcript of the American Military  
Tribunal in the matter of the United States  
of America, against Karl Brandt, et al,  
defendants, sitting at Nurnberg, Germany, on  
13 January 1946, 0930, Justice Reels presiding.

THE MARSHAL: The Honorable Judges of Military Tribunal I.  
Military Tribunal I is now in session  
God save the United States of America and this  
Honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, ascertain if all the defendants are  
present in court.

THE MARSHAL: May it please, Your Honor, all the defendants are  
present in the court.

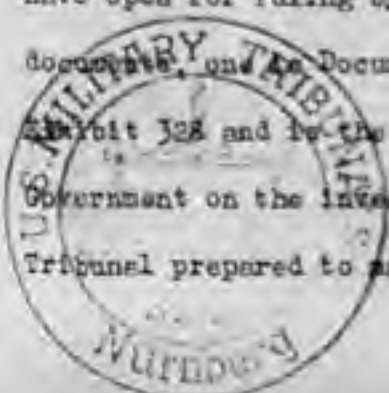
THE PRESIDENT: The Secretary-General will note for the record  
the presence of all the defendants in the court.

DR. SERVATIUS: Mr. President, you asked how the defense are going  
to conduct their defense. We arrived at an agreement that we are  
going to do that as the defendants are sitting in the defendants'  
docket and in the same way as the prosecution has named the  
defendants. If there should be any small changes among a few  
defendants and if a few defense counsel should make some changes  
in the manner in which they are going to present their case, we  
are going to advise the Tribunal about it in time.

THE PRESIDENT: The statement of counsel, of course, will be  
included in the record.

The prosecution may proceed.

MR. McHANEY: If the Tribunal please, I think at this time we  
have open for ruling by the Tribunal the admissibility of two  
documents, one is Document NO-1063 which was offered as Prosecution  
Exhibit 328 and is the report by a committee of the Netherlands  
Government on the investigation of certain war crimes. Is the  
Tribunal prepared to make a ruling on that document this morning?



THE PRESIDENT: The Tribunal is not prepared to make a ruling on that document this morning. Give me again, if you please, the number of that document.

MR. McHANEY: That is Document NO 1063 which was offered as Prosecution Exhibit 326. The other document as to which there was an objection is the chart of the organization of the so-called Euthanasia program signed and sworn to by the defendant Viktor Brack. That is Document NO 253 which was offered as Prosecution Exhibit 331.

THE PRESIDENT: Has the prosecution checked that exhibit or examined it?

MR. McHANEY: I am convinced, Your Honor, as I recall, the question was whether the wall chart now behind the witness box is a facsimile of the chart drawn by the Defendant Viktor Brack, and I am prepared to state that it is. In other words, this big chart was drawn by the presentation section from the small chart.

THE PRESIDENT: As I remember the objection urged by the defense counsel was the original chart was not a true representation of the facts. I may be wrong about that.

MR. McHANEY: That the original chart was not a true representation of the facts?

THE PRESIDENT: I understand the defense counsel urged that the Defendant Brack in making his affidavit in preparing the chart had prepared one which he now contends was not accurate. Concerning that, I may be in error.

MR. McHANEY: Well, if the Tribunal please, he has done two things. Firstly, he has given us an affidavit which is Document NO 426, which describes at some length the operation of the Euthanasia Program. That document has already been admitted as Prosecution Exhibit 160. The only document now before the Tribunal for a ruling is the chart. As to that, I can see no grounds for objection. The chart was drawn by the Defendant Viktor Brack or at least under his direction, and is signed and sworn to by the Defendant Viktor Brack, and consequently we submit it is admissible.



THE PRESIDENT: Will counsel make an objection to the admission of the chart, will he state his objection again.

DR. FROESCHMANN (Counsel for the Defendant Viktor Brack): Mr. President during the Friday session I pointed out that Defendant Brack because of his physical and moral condition at that time was not in a position to consider the details of his statement and the chart which he drew, and still recognize it exactly. He has now found out that this chart, through the manner of its presentation, there arises the impression between the Chancellery of the Fuehrer and the Defendant Brack, there is an organizational coordinational relationship which in actuality did not exist. At the time when he was interrogated had he been at that time in full physical health and had he been in a position to consider the matter carefully, he would have pointed out to the prosecution that a number of connecting lines in this chart are wrong and erroneous.

DR. SAUTER (For the Defendant Blome): Mr. President, as defense counsel for the Defendant Blome, I do not object to the admissibility of this chart. In order to avoid the prosecution having to tell us later, however, that we had accepted this chart as being correct by our being quiet about it, I should like to point out the following at the moment. In this chart on the left side there is a yellow square with the designation "Dr. Conti". Underneath that in the small square there is the notation "Office Dr. Linden". That is the square which was just pointed out. To the right of this square, in brown color, there is a smaller square with the designation "Blome". This small square "Blome" is connected with the large square "Dr. Conti" by a green line. Whatever this green color should mean I don't know yet. I should like to point out now that the defendant, Dr. Blome, cannot recognize the fact that his name be mentioned in this chart at all since officially he had nothing whatever to do with the entire euthanasia program. At a later date, as soon as the Defendant Brack will be called to the witness stand, I shall ask the Defendant Brack how this brown square with the designation "Blome" could have been put into the chart at all and whether it isn't correct that before signing this chart he objected against it immediately and

declared that the name of Blome does not belong in that chart since according to his knowledge Blome had nothing whatever to do with Euthanasia.

That, gentlemen of the Tribunal, is not an objection to the admissibility of the chart but merely in explanation and so that I can come back to the same matter at a later date when the Defendant Brack is called to the witness stand.

THE PRESIDENT: The Tribunal understands the position of the Defendant Blome, which position is entirely correct, and the rights of the defendant to question the accuracy of the chart. The court recognizes the position of the counsel for the Defendant Blome, which position is entirely correct and the rights of the defendant will be preserved to him to question the accuracy of the chart as to him.

DR. SERVATIUS (Counsel for the Defendant Karl Brandt): Mr. President, I also object to this chart and the connecting lines therein, especially since there can be some objection as to the way this chart was drawn up. It is completely incorrect with reference to the position of Karl Brandt in particular, the impression is being awakened that all the officers underneath Karl Brandt who are mentioned there were actually subordinate to him. It will show itself later that this is not correct in any way, that rather the office of Buehler was entrusted with the execution.

THE PRESIDENT: The Tribunal understands the position of counsel and the admission of the chart in evidence will not be binding upon the defendants who may later question its accuracy. Meanwhile, the chart will be admitted in evidence.

JUDGE SEHRING: What will the exhibit number be there, Mr. McHaney?

MR. McHANEY: Exhibit 181.

MR. McHANEY: This chart shows the large organization which was set up by the Defendant Karl Brandt and Buehler and others for the execution of the Euthanasia Program. In order to explain this chart I would like to read certain paragraphs of Document NO 126 which is an affidavit of the Defendant Brack and has already been admitted into evidence as Prosecution Exhibit 160.

This is on page 10 of the English document book. I read from paragraph 4:

"4. The Euthanasia Program was initiated in the summer of 1939. Hitler issued a secret order to Prof. Dr. Karl Brandt, Reich Commissioner for Medical and Health Matters, and at that time personal physician to the Fuehrer, and to Phillip Bouhler, charging them with responsibility for the killing of human beings who were not able to live, that is, the according of a mercy death to incurably insane persons. Prior to the issuance of this secret order Bouhler had a conference with Dr. Brandt and Dr. Leonardo Conti, the Reich Chief for Public Health and Secretary of State in the Ministry of Interior. On the basis of this order of Hitler, Bouhler and Brandt were to select doctors to carry out this program. Inasmuch as the insane asylums and other institutions were functions of the Ministry of Interior, Dr. Herbert Linden became the representative of the Ministry of Interior. Dr. Karl Brandt and Phillip Bouhler appointed Prof. Dr. Heyde and Prof. Dr. Mutschke along with several other medical men to aid in the execution of this Euthanasia Program."

"5. Professor Dr. Karl Brandt was in charge of the medical section of the Euthanasia Program. In this capacity, as shown in the chart I have drawn dated 12 September 1946, Dr. Karl Brandt appointed as his deputies Professor Heyde and Professor Nietsche. In charge of the administrative office under Brandt was first Mr. John and later Dr. Allers. Three different names were used by Brandt's section in order to disguise the activities of the organization. The names of the organizations are as follows:

"Reich Association - Hospital and Nursing Establishments

"Charitable Foundation for Institutional Care

"General Patient Transport Corporation.

"6. In the early stages of this program, Dr. Karl Brandt visited Phillip Bouhler and discussed with him many details of this program. As a matter of fact, after such meetings between Brandt and Bouhler, I received many orders, more often from Bouhler than from Brandt directly.

"7. In my capacity as Chief of Office 11 of Bouhler's Chancellery, I was ordered to carry out the administrative details of the Euthanasia program. My deputy was Werner Wankenburg, who eventually became my successor, that is, in the beginning of 1942 when I joined the Waffen-SS. Van Heugner, Reinhold Verberg, and Walter Nowolinski were members of my staff.

"8. In the Ministry of Interior, Dr. Linden was in charge of the Euthanasia Program and his deputy was Councillor Franko. The Department for Public Health of the Ministry of Interior had authority over all insane asylums of the Reich, and in this position, my department as well as the office of Dr. Brandt had close liaison in order to efficiently operate this Euthanasia Program.

#### THE PROCEDURE

"9. By order of Doctor Linden, the directors of all insane asylums in the Reich had to fill out questionnaires for each patient within their institutions. These questionnaires were drafted by Bouhler, Heyde, Nietsche and others in several of their many conferences. Then the questionnaires



were forwarded to the Ministry of Interior to be distributed to the various insane asylums and similar institutions. Theoretically Doctor Linden's office had the questionnaires returned and then forwarded them to the administrative section of the office of Doctor Brandt. The Program was so arranged that photostats of each questionnaire were to be sent to four experts to determine the status of each patient. The panel of experts consisted of about 10 to 15 doctors. I do not remember the names of all the members of this panel but Doctor Pfannenmiller, Doctor Schumann, Doctor Althausen, and Doctor Rensaux are fresh in my memory in this connection. Each of these experts indicated by making a certain comment on the questionnaire whether or not the patient could be transferred to an observation station and eventually killed. Then the questionnaire was forwarded to a chief expert. According to the regulation, the chief expert was only entitled to order the transfer of the patient when all four experts voted for the transfer. This chief expert also marked the questionnaire and then submitted it to Doctor Linden who ordered the insane asylum to transfer the patient to one of the observation institutions. Off-hand I can remember, among others, the names of the following observation institutions: Eglfing-Hang, Kempten, Jona, Buch, Arnstberg.

"10. At these institutions the patients were under the observation of the doctor in charge for a period of one to three months. The physician had the right to exempt the patient from the program if he decided that the patient was not incurable. If he agreed with the opinion of the chief expert, the patient was transferred to a so-called euthanasia institution. I can remember the names of these Euthanasia Institutions:

Grafenach - under Dr. Schumann

13 Jan 47-M - 2-1a - LAG - Beard

"Branderburg - under Dr. Jannecke

"Hartheim - under Dr. Rannaux

"Sonnestein - under Dr. Schmalenbach

"Hadamir (I do not remember under whose leadership)

"Bernburg - under Dr. Bohnke or Dr. Becker.

"In these institutions the patient was killed by means of gas by the doctor in charge. To the best of my knowledge, about fifty to sixty thousand persons were killed in this way in the period from Autumn 1939 to the Summer of 1941.

"11. The order issued by the Fuehrer to Brandt and Buehler was secret and never published. The Euthanasia Program itself was kept as secret as possible, and for this reason, relatives of a person killed in the course of the program were never told the real cause of death. The death certificates issued to the relatives carried fictitious causes of death such as heart failure. All persons subjected to the Euthanasia Program did not have an opportunity to decide whether they wanted a mercy death, nor their relatives contacted for approval or disapproval. The decision was purely within the discretion of the doctors. The program was not restricted to those cases in which the person was "in extremis".

"12. Hitler's ultimate reason for the establishment of the Euthanasia Program in Germany was to eliminate those people confined to insane asylums and similar institutions who could no longer be of any use to the Reich. They were considered useless eaters and Hitler felt that by exterminating these so-called useless eaters, it would be possible to relieve more doctors, male and female, nurses, and other personnel, hospital beds and other facilities for the use of the Armed Forces.

"REICH COMMITTEE FOR RESEARCH ON  
HEREDITARY DISEASES AND CONSTITUTIONAL SUSCEPTIBILITY TO SEVERE DISEASES.

"13. This committee, which was also a function of the Euthanasia Program, was an organization for the killing of children who were born mentally deficient or bodily deformed. All physicians assisting at births, midwives, and maternity hospitals were ordered by the Ministry of Interior to report such cases to the office of Doctor Linden in the Ministry of Interior. Then experts in the medical section of Doctor Brandt's office were ordered to give their opinions in each case. As a matter of fact, the complete file on each case was sent to the offices of Bouhler and Doctor Brandt in order to obtain their opinions and to decide the fate of each child involved. In many cases these children were to be operated upon in such a manner that the result was either complete recovery or death. Death resulted in a majority of these cases. The program was inaugurated in the summer of 1939. Bouhler told me that Doctor Linden had the order to ask for the consent of the parents of each child concerned. I do not know how long this program continued since I joined the Waffen-SS in 1942.

"THE CONNECTION BETWEEN THE  
EUTHANASIA PROGRAM AND SS  
BRIGADEFUEHRER GLOBOCNIK."

"14. In 1941, I received an oral order to discontinue the Euthanasia Program. I received this order either from Bouhler or from Doctor Brandt. In order to preserve the personnel relieved of these duties and to have the opportunity of starting a new Euthanasia program after the war, Bouhler requested, I think after a conference with Himmler, that I send this personnel to Lublin and put it at the disposal of SS Brigadefuehrer Globocnik. I then had the impression that these people were to be used in the extensive Jewish labor camps run by Globocnik. Later, however, at the end of 1942 or the beginning of 1943, I found out that they were used to assist in the mass extermination of the Jews, which was then already common knowledge in higher party circles.

"15. Among the doctors who assisted in the Jewish extermination program

were Eberle and Schumann. Schumann performed medical experiments on prisoners in Auschwitz. It would have been impossible for these men to participate in such things without the personal knowledge and consent of Karl Brandt. The order to send these men to the East could have been given only by Himmler to Brandt, possibly through Buehler."

I think that is a sufficient reading of the pertinent sections of the affidavit of Viktor Hermann Brack.

Now, I would like to return to the chart. You find the defendant Karl Brandt as the head of the program in the box at the top center of the chart. The Tribunal will please refer to the chart on the wall behind the witness box, and Mr. Hockwald will use his pointer to indicate the appropriate place on the chart which is under discussion. Under this program are the organizations which are used for camouflage purposes. First we have the Reich Association, Hospital and Nursing Establishment, The Charitable Foundation for Institutional Care, and Patient Transport Corps. Then there is the Administration Office with its Department for Questionnaires. Over to the right are the so-called top experts Heyde and Nietzche, and about fifteen other experts, among them, Pfannmueller. Down below the Observation Stations; and then below, the so-called Euthanasia Institutions where the victims were actually exterminated -- including Hadamar, Grafeneck, Bernburg, Sonnenstein and Barthelm. In connection with Bernburg, the Tribunal will recall the witness Eugen Kogon's testimony that transports left Buchenwald in 1941 and 1942 to go to Bernburg, which was one of the Euthanasia Exterminating Stations. These names, and the names of the chief doctors of these institutions will occur again and again in the testimony which will be presented.

As it is pointed out in the Brack Affidavit, and as shown on the chart, there was a very close collaboration in the execution of the program, between the defendant Karl Brandt and Buehler, whose name appears in the right hand corner of the chart. Under Buehler you will find the defendant Brack, his deputy Blackenburg, and Hagemer, Vorberg, and Hefelman; all of these play, as the evidence will show, a very active part in the execution of the program in collaboration with Brandt's subordinates, as closely as Brandt with the



Chief Buhler.

On the left hand side of the chart you find the set up of the Reich Ministry of the Interior under Frick, showing only the offices which were connected with the Euthanasia Program. Here it was Conti, the Secretary of State for Health Matters, and Reich Health Leader, whose deputy was the defendant Bloem. Linden, shown in the same box with Conti, was most active in collaborating with Brandt and Buhler in the program. Linden provided for the distribution of the questionnaires in the different insane asylums all over Germany, and had them filled out and forwarded to Brandt in the Administrative Offices, shown in the lower left corner of the chart by dotted lines connecting the two offices. Together with Brandt and Buhler, Linden, also directed the organization for the killing of deficient children. The set up, of which, is shown on the outer left hand side of the chart. The connection between Buhler's office, Karl Brandt, Linden, and this organization is shown on the photostatic copy by special dotted lines, and in green and brown on the enlarged copy on the wall.

Conti, Buhler and Linden, are no longer living; all of them having ended their lives by committing suicide.

I think it might be well if I re-emphasized the manner in which these questionnaires operated. The questionnaires were made up in the Administrative Office under Allers, and he had a special office for questionnaires under that. He then sent the questionnaires to Linden's office in the Ministry of the Interior. The questionnaires were then sent to the insane asylums all over Germany, and the questionnaires were then filled out by the doctors in these asylums. The questionnaires were sent back to Linden; Linden, then forwarded them out to the so-called experts. And these experts, in fact, were in a lot of cases directors of other insane asylums in Germany. In other words, they were thoughtful enough not to have the Director of an asylum 'expertize' his own patients, but directors of other asylums were 'expertizing' these questionnaires. The questionnaires then came back and then were finally 'expertized' by Heyde and Mutschke, the top experts, and an ultimate decision was reached as to what to do with the patients on the basis of these questionnaires. Then

it appears, at least, in the early stages of the program, that it was decided to possibly exterminate the patients, on the basis of the questionnaires, were sent to one of these Observation Institutions. The order coming down from Linden's office, having been in the Observation Institutions, and no change having been made in the decision to exterminate the patients, they were then picked up and transported to one of the mercy killing stations down below.

Mr. Hochstadt will continue with the presentation of the evidence for the prosecution.

MR. HOCHMALL: May it please the Tribunal, I want to offer into evidence Document NO-470, which will be Prosecution Exhibit 332. This document is an affidavit of Pauline Kneissler. "Affidavit: I, Pauline Kneissler, being duly sworn, depose and state:

"1. I was born on 10 March 1900 at Kurdjanovka in the Southern Ukraine. In 1920 I became a German citizen. From my sixth to my fifteenth year I was tutored in my parents' house in Russia. In 1920 I moved to Duisburg on the Rhine, where I studied nursing. I was trained for my job till 1923, and on 4 January 1940 I was hired by the Ministry of the Interior in Berlin. For 15 years I worked for the Magistrate of Berlin as municipal nurse. In April 1937 I joined the NSDAP. I was a member of the NS Frauenschaft, of the NSV, of the Reich Air Raid Protection League and of the Reich Nurses' League.

"2. My experiences as a sick-nurse and the fact that I had been working for many years in different German hospitals and nursing establishments in connection with the so-called euthanasia program enable me to depose the following statement concerning this program.

"3. In 1939 I was summoned by the Chief of Police to report on 4 January 1940 to the Ministry of the Interior, situated in the Kolonnen building. There a man called Blankenburg talked to our group, which consisted of 22 or 23 persons. He discussed the importance and the secrecy of the euthanasia program and explained to us that the Fuehrer had worked out a euthanasia law, which, in consideration of the war, was not to be published. It was completely voluntary for those present at the meeting to assure their cooperation. None of those present had any objections to this program; and Blankenburg swore us in. We were sworn to secrecy and obedience; and Blankenburg called our attention to the fact that any violation of the oath would be punished by death. Dr. Bohne was present at this meeting.

"4. When the meeting was over, we took the bus to Schloss Grafeneck, where we were received by the director of the establishment, Dr. Schumann. He only started to work at Grafeneck in March 1940, while the male personnel had been working there before.

"5. It was one of my duties to accompany Mr. Schwenniger, who also was a member of the "Charitable Foundation for Institutional Care," to the different establishments from which we fetched patients to bring them to Grafeneck. Mr. Schwenniger, who was in charge of our transports, had the lists of names of all the patients who were to be transferred. These lists had to correspond to the lists of patients prepared by the directors of the establishments from which the patients were to be transferred. The patients who were transferred by us were not all particularly serious cases. They were, of course, mentally ill but very often in good physical condition. Each transport consisted of about seventy persons; and we used to have such transports almost every day. My actual duty in connection with these transports was that of an accompanying nurse.



"6. After their arrival at Grafeneck the patients were housed in barracks, where Dr. Schumann and Dr. Baumhardt examined them superficially on the basis of a questionnaire. These two doctors had to pronounce the final decision as to whether a patient was to be gassed or not. In individual cases the patients were exempted from being gassed. In most cases the patients were killed within 24 hours after their arrival at Grafeneck. I stayed for almost a year at Grafeneck and only know of a few cases where patients were not gassed. In most cases the patients were given an injection of 8 cc. Morphium Sclerolamin before being gassed. These injections were made by the doctor. The gassing was carried out by special selected men. Dr. Hannecke dissected some of the victims. Insane children between 6 and 13 years of age were also included in this program.

"When Grafeneck was closed, I was sent to Hadamar and stayed there till 1943. The same work was done at Hadamar with the only difference that the patients were no longer gassed but killed by Veronal, Luminal, and Morphine Sclerolamin. Approximately 75 patients per day were killed. The director of Hadamar was first Dr. Baumhardt, the Dr. Hannecke.

"7. From Hadamar I was transferred to Lirsee near Kniefheuren where I continued my work. Dr. Valentin Faltheuser was the director of this establishment. There the patients were either killed by means of injections or tablets. This program was carried on until the collapse of Germany.

"8. I know that in the different establishments where I was

Stationed we received instructions from Mr. Blankenburg. During my activity at Grafeneck, this establishment was visited by Dr. Karl Brandt, Dr. Conti, Reichleiter Bunkler, and Mr. Brack. I also know that the "Charitable Foundation for Institutional Care" was connected with certain establishments at Lublin.

"(Signed) Pauline Amiesler."

THE PRESIDENT: I notice on Page 18, the last line of the first paragraph, it says "Dr. Bohne was present at this meeting," according to the document book which I have.

MR. HOCHMILD: I beg your pardon, your Honor?

THE PRESIDENT: I note that on Page 18 of the document book, the first page of Document Number W)-470, in the last complete line of the first paragraph - Dr. Bohne is referred to.

MR. HOCHMILD: No, this is not a doctor, sir. This is Mr. Bohne, who is shown on the chart as a member of the administrative office of Dr. Karl Brandt.

THE PRESIDENT: Is that intended to indicate the defendant Bloome?

MR. HOCHMILD: No, this does not indicate the defendant Bloome, sir. This is a different person.

THE PRESIDENT: Very well.

DR. SERVATIUS: Dr. Servatius, counsel for defendant Karl Brandt. Mr. President, we are here again concerned with an affidavit which was not sworn correctly; and I ask you again that this

document only be admitted under the usual reservation.

THE PRESIDENT: This document will be admitted provisionally, pending the filing of a certificate showing proper authority on the part of the person who administered the oath.

MR. HOCHWALD: The next document I want to offer into evidence is Document No.-863, which will be Prosecution Exhibit 333. This document is a voluntary deposition of Prisoner of War LD 1510 Corporal Ludwig Lehner, report on the crime of murder perpetrated on children in 1939 at the asylum in Melfing-Haar near Munich.

"In the fall of 1939 I witnessed a crime which upset even me, particularly by the way it was carried out, although at that time I was already used to many things, having left the Dachau concentration camp only a few months before. I took a vow at that time to report the matter to the authorities as soon as conditions would permit.

"At that time the public was given the opportunity to visit lunatic asylums, presumably in the framework of a very definite propaganda purpose. Having been a student of psychology in 1934 to 1938 during my professional education, I was, of course, interested in the way an asylum is run. I therefore joined one of these guided tours which, as far as I know, were, by the way, suspended soon afterwards because they aroused a reaction on the part of the public contrary to the one that was desired. (I saved the ticket of admission.)

"Facts. After a visit to several other hospital wards, the director of the asylum himself—whose name was Pfannmueller as far as I remember—led us to a children's ward. The room gave an impression of cleanliness and care. In about 15 to 25 little beds lay a corresponding number of children of about one to five years of age. In this ward Pfannmueller explained his views in detail. I daresay that I remember the following resumes rather exactly since they were, either out of cynicism or due to clumsiness, surprisingly frank: 'Those creatures (he meant the said children) of course represent for me, as a National-Socialist, merely a burden for our healthy national body. We do not kill (he may possibly

have said: 'We do not handle the matter') by means of poison, injections, and so forth. That would merely provide new propaganda material for the foreign press and for certain gentlemen in Switzerland (he probably referred to the Red Cross). No, our method is much simpler and more natural, as you can see.' With these words he pulled one child out of the little bed while a nurse, apparently on permanent duty in this ward, assisted him. While he then showed the child around like a dead hare, grinning cynically, he stated with the air of an expert something like: 'It will take this one, for example, still two or three days.' I shall never be able to forget the sight of that fat, grinning man, holding the whining skeleton in his fleshy hands, surrounded by the other children who were starving to death.

"Furthermore, the murderer declared that not abrupt deprivation of food but progressive reduction of rations was applied. A lady who was also taking part in the guided tour, hardly able to control her indignation, asked if a quicker killing by injections, and so forth, would not at least be more humane. Thereupon, Pfannenweller praised his method once more as the more practical one in regard to the foreign press.

"From a certain remark, which unfortunately I cannot reproduce exactly from memory, one would conclude that in this ward children who were not insane were also being killed, namely, children of Jewish parents."

I skip the next paragraph and read only the signature "L. Lehner" on the bottom of Page 23.

DR. SERVATIUS: Dr. Servatius, counsel for the defendant Brandt. Mr. President, I just noticed that the document was merely signed but not sworn to. The witness seems to be in custody in London. I don't know for what reason. I must reserve the right to cross examine that witness; and I should like to ask you to admit this document only under the condition that the prosecution submit this witness to us.

MR. ROCHVALD: Your Honor, I respectfully submit that this document contains only corroborative evidence; and we therefore refrained from putting this witness on the stand. This document is a report from the British



13 Jan-1946-3-30-Blekley  
Court No. 1.

War Crimes Interrogation Unit in the London District Center; and the signature of the deponent was witnessed by a British intelligence officer. I have been advised by competent British authorities that the British intelligence officer held the rank of a major or lieutenant colonel.

and is permitted to administer an oath.

DR. SERVATIUS: Mr. President, the facts which were just mentioned by the member of the prosecution cannot be seen from the document; and that is the essential fact. The document speaks for itself; but these facts cannot be seen from the document.

THE PRESIDENT: Will you hand up the original, please? (Document handed to the President.) The document will be received provisionally. It does not indicate that the witness was sworn; and the authority of the certifying officer should be shown in some manner which is not indicated by the document. At least the letters "I.O." are not explained.

MR. HOGPUND: The prosecution will make every effort, sir, to provide such an affidavit.

I turn now to Document Number 10-1135, which will be Prosecution Exhibit 230. The first page of the document is a confirmation "In accordance with the decision of the State Ministry of the Interior (Public Health Division) of 6 January 1940 I have, upon order of the Reich Association of Mental Institutions and as responsible chief of the General Patients Transport Company G.m.b.H. taken charge of the transfer of the patients enumerated in the list below to a Reich institution. Dated (date, illegible); (signature illegible), Commissioner of General Transport Company G.m.b.H."

I want to point out concerning Page 1 that this name "Reich Association of Mental Institutions" and the name "General Patients Transport Company G.m.b.H." are two of the three code names which appear on the chart, in the middle of the chart there on the wall.

The next page, Page 2 of the document, is a transfer memorandum, and reads: "Handed over were:

"1. 149 patients with their own clothing, underwear, money, and belongings.

"2. 149 files with personal records (case histories).

"3. A list of the money accounts for each patient. A receipt

13 Jan 47-W-44-3-2c-Blackley  
Court No. 1

are made out for this purpose.

"4. A list of the names.

"Zelfing-Haar, 30 August 1940. Signature: Oberschwenter  
Lotto Seite."

DR. HOCHWALD: Page 3 of the Document Book to page 8 of the Document Book is Transport list No. 2, Dispatching Institution: Eglfing-Haar - Carried out on 30 August, 1940, and on page No. 8 of the Document shows 150 persons were transferred.

The next page is again a compilation and there again these code names appear, signed in Eglfing Haar, by the Commissioner of the General Transport Company, G. M. B. H.

We have another transfer memo on page 10, of 121 female persons with their own clothing, and underwear, as well as other belongings, and (2) 121 files with cover, (case histories with personal record), (3), a list of the amount of money, (4) a list of valuables, (5) a list of the names, signed at Eglfing-Haar, 3.9.1940, signature: Oberschwester Lotte Zeitz.

And on pages 11 to 16, we have Transport List No. 3, carried out on 3 September, 1940, and on page 16 of the document, page 40 of the Document Book, it shows 122 persons were transferred.

Page 17 gives three lists, two lists of women and one list of women of the Jewish race, to which is attached the name of Israel. In Nazi Germany every Jew had to use his middle name and the name of Israel or Sarah. I want to draw the attention of the Tribunal to No. 7 of the first list, Silberberg Helmut Israel, Poland, a foreign national, and No. 3 of the women's list, Goldmann Rebekka Sarah, from Fland, and No. 13 of the men's list the name of Hunsel Rudolf Israel from Bohemia and Moravia was crossed out. As this document shows the 16 male and 19 female Jews were transferred on the 20th of September, 1940.

Page 18 is the 3th transport list, carried out on 23 September, 1940, and names the tubercular and insane women of Eglfing-Haar, (handwritten), and shows twelve women, twelve women in all, and a handwritten note on the bottom: "The above patients received today: The transport leader of the General Patients Transport, G.M.B.H. Eglfing/Haar, 23 September, 1940 - (signature - Dr. Baumgart.)"



Page 19 is another confirmation made out on 3 October, 1940. Here the same code names appear and it is signed again by the Commissioner of General Transport Company, m.b.h. Kraus.

Pages 20 to 22: 9. Transport List No. 5, carried out on 20 September 1940, 88 persons were listed, but there is a note that 11 of these patients were from Klingenstein, and three have died, therefore 74 totally, that means 74 totally from Eglfing-Haar.

Pages 23 to 26 are names on Transport list No. 4, carried out on 20th September, 1940, and 102 persons, as page 26 of the document book shows, were transferred.

Page No. 27 of the document to page No. 39, is Transport List No. 4, carried out on 11 October, 1940, and contains 79 names, one deferred, therefore 78.

DR. FROESCHMAIER: Counsel for Dr. Viktor Brack.

I should like to point out that in our document book this list cannot be found, and we are not in a position to follow the statements of the Prosecutor.

DR. HOCHWALD: I am sorry, Your Honors, I haven't checked the German Document Book. The lists will be handed to the counsel for defense as soon as they are available.

THE PRESIDENT: Counsel will expedite as much as possible the furnishing of this list to the defense counsel, and the completion of this document book, which is evidently incomplete, and the copy to be furnished defense counsel.

DR. HOCHWALD: I shall proceed in the presentation of Document No. 1135, page 31 of the document, page 55 of the document book, which, Your Honors, is another confirmation made out in Eglfing-Haar, on the 28 of November, 1940, and is again signed by the Commissioner of General Transport Company, m. g. H. this time by D. Hannecke.

Page 32 gives the 13th Transport list, No. 7, carried out in Eglfing-Haar, on 28 November, 1940, listing 16 persons.

Page 33 of the document is another confirmation dated 2 December, 1940 and again signed by the Commissioner of General Transport Company, m.b.H.

Page 34 of the document is transport List No. 8, carried out on 2 December, 1940, listing 16 persons, and page 35 is another confirmation, dated 17 January, 1941, and is again signed by the Commissioner of General Transport Company, m. b. H, this time by E. Kuepper.

Pages 36 to 38 is the 15th Transport List, No. 8, carried out on 17 January, 1941, listing 73 persons.

Pages 39 to 41, is the 15th Transport List No. 9, carried out on 17 January, 1941, listing 80 persons, and page 42 is a confirmation of the same thing as I have already read into the record, and is signed, Eglfing-Haar, 25 April 1941, with a typewritten note: "The Commissioner of the General Patients' Transport," signature, E. Kuepper.

Page 43 gives a list of the 25th of April, 1941, a list of men, listing 37 persons, and pages 44 to 46, are a transport list of the 26th of April, 1941, this time women, 96 persons were listed.

Page 47 is another confirmation. That has on the top a handwritten remark, 19th transport, signed Eglfing, 29 April, 1941, by E. Kuepper, The Commissioner of the General Patients' Transport, G.m.b.H.

Pages 48 and 49, give a transport list carried out on 29th April, 1941, listing 57 persons.

Pages 52 to 54, are Transport List No. 20, listing women, carried out on April 29th, 1941, 77 names.

Page 57 is Transport List No. 21, carried out on 29 April, 1941, listing 32 persons, and page 58 is Transport List No. 24, carried out on 29 April 1941, listing 24 persons.

Page 59 is another confirmation, dated the 20th of June, 1941, signed by the Commissioner of the General Patients Transport, C. m. b. H.

Page 60 is Transport List No. 21, carried out on 20 June, 1941, listing 22 persons.

I turn now to Document No. 1133, which will be Prosecution Exhibit No. 335.

THE PRESIDENT: Is that Document found on page 86?

DR. HOCHWALD: Page 86 of the English Document Book, yes.

THE PRESIDENT: The number of the Document is 1133, the number is imperfect?

DR. HOCHWALD: 1133 as appears from the second page, "State Ministry of the Interior, Munich, 12 November, 1941, pencilled note illegible, Registered:

"To Director Dr. Pfannmueller,  
or his Deputy  
of the Asylum.

Elfing-Haar

"Subject: Transfer of patients in the asylums.

"The present situation necessitates the transfer of a large number of patients in the asylums. By order of the Reich Defense Commissar, I order the transfer of 120 patients from your institution. The transfer will probably take place on 24 October, 1941, the Charitable Patient Transport Corp. in Berlin, and/or its transportation manager, will contact you with regard to the selection and the picking up of the patients, which will take place on my order.

"The transport is to be prepared by the delivering institution. In case the institution has no railroad siding, the transportation of the patient to the next railroad station is to be done by the institution. Restless patients are to be treated by adequate means for a trip of several hours. The patients, as far as possible, are to be handed over in their own underwear and clothing. Their entire private property is to be sent along with them well packed. In so far as they have no private clothing, the delivering institution is to loan underwear and clothing.

"The personal records and case histories of the patients are to be handed over to the man in charge of the transport. Those who pay the costs are to be informed by the delivering institution that further payments beyond the day of the transfer are to be suspended until they are requested by the receiving institution. In cases where the patients are committed by the courts



this information is to be transmitted to the penal authorities, along with the file number. The next of kin will be immediately notified of the transfer by the receiving institution. If in the meantime a relative should inquire of the delivering institution, the latter is to reply, if the name of the receiving institution is not known to it, that the patient was transferred by order of the competent Reich Defense Commissar. Besides, the new institution will contact the relatives as soon as possible.

On behalf of

(Signature) illegible."

The third page of the document is again a certificate, which is similar to the certificate which we presented in document no. 1135, signed Eglfing, 24 October, 1940, S. Puppe, For the Charitable Patients Transport Corporation.

At pages 4 to 7 of the Document are the 11th Transport List No. 5, completed on 24 October, 1940, listing 120 persons.

That finishes the Document Book No. I.

DR. SERVATIUS: Mr. President, in my Document Book this list does not seem to be complete. It stops with No. 97 and there should be 120 names. Maybe the Prosecution can clear that up.

DR. HOCHWALD: There is one page missing. I presume that in the copy of Dr. Servatius one page, which is the last page of the document, is missing.

DR. SERVATIUS: I shall receive the rest of the names.

DR. HOCHWALD: I want to present, if Your Honors please, Document Book No. 17, and as the first part of Document Book No. 17, which I shall take up now --

THE PRESIDENT: Before we get to the opening of this Document the Tribunal will recess, and requests that the Prosecution during the recess period be ready to show to the Tribunal the original of Document No. 1063. If the document is convenient, the Prosecution will hand it to the Tribunal at this time.



DR. HOCHWALD: If the Tribunal please, I want to read from page no. 4.

THE PRESIDENT: We have stated that the Tribunal will now recess but I have asked that the original document No. 1063 be submitted to the Tribunal now before the recess.

DR. HOCHWALD: Your Honors, I have been informed that this document is in possession of the Secretary General.

THE PRESIDENT: Will you procure the document and hand it to the Tribunal during the recess in the consultation room. The Tribunal will now recess.

THE MARSHAL: The Tribunal is again in session.

DR. HOCHMELD: If the Tribunal please, I want to read from Document Book No. 17, page No. 4 of the Document Book, and I offer into evidence Document NO-1313 which will be Prosecution Exhibit 336:

"Schwerssee near Kitzbuehl," dated "20 August 1940."

"Dear Director,

The heavy rains during the first half of my vacation had the advantage of giving me sufficient leisure for reflection, and I am very grateful to you for your great kindness and consideration in giving me this time to make up my mind. The new measures are so convincing that I thought I could let personal considerations go by the board. But it is another thing to approve of measures of the State with full conviction, and something else to carry them out oneself, in their final consequence. I am reminded of the difference which exists between judge and executioner. Therefore, in spite of all intellectual insight and goodwill on my part, I can not escape the realization that according to my personal nature I am not suitable for this job. As vivid as my desire is in many cases to improve upon the natural course of events, as repugnant it is to me to carry this out as a systematic job after cold-blooded deliberation and according to scientific objective principles, and not urged by medical feeling toward the patient. What has endeared to me the work in the Children's House was not the scientific interest, but the physician's urge, amidst our often fruitless labor, to help and at least to improve many of our cases here. The psychological evaluation, and the curative and pedagogic influence were always much closer to my heart than anatomical curiosities, no matter how interesting they were. And so it comes about that, although I am sure that I can preserve my full objectivity in giving expert opinions, I yet feel myself somehow tied emotionally to the children as their medical guardian, and I think that this emotional contact is not necessarily a weakness from the point of view

13 January 47-M-6-1-PEP-(Putty (BK)  
Court No. 1

of a National Socialist physician. However, it hinders me from combining this new duty with the one I have hitherto carried out.

"If this should force you to place the word in the Children's House into other hands, it would certainly be a painful loss to me. However, I

consider it more right to see clearly and to recognize in time that I am too soft for this job, instead of disappointing you later.

"I know that your offer to me is a sign of special confidence, and I cannot honor your confidence in any better way than by absolute honesty and openness.

Heil Hitler

Your very devoted

(signature) F. Hoelzel

(Rubber stamp): Directorate of the Eglfing-Haar Insane Asylum of the regional association of upper-Bavaria. (Handwritten): Received 29 August 1940, 1600 hours. (Initialed) Pfannmueller."

I turn now to Document NO-1310 which will be Prosecution Exhibit 337, a draft dated September 20, 1940:

"To the Bavarian State Ministry of the Interior, Department for Health Services, Munich, Theatiner Street, "dated" Eglfing, 20 September 1940. Subject: Transfer of Mentally Ill Jews. Reference: Ministerial Decision of 4 September 1940. No. 5236 s 44. Inclosures: 1 list of Jewish Men, 1 list of Jewish Women.

"In compliance with the above-stated decision, I am turning over to you a list of the inmates concentrated in the mental institution of Eglfing-Haar, as far as they are full-blooded Jews of German and Polish nationalities as well as stateless Jews.

"The mentally ill Jewish inmates were transferred by the Patient Transport Corporation on 20 September 1940 to an institution serving as a collecting center. I am reporting to the State Ministry that from now on my institution will feed only Aryan mental patients. In the future I shall refuse to accept mentally ill full-blooded Jews.

"There is still one mentally ill full-blooded Jew in our institution who is a native of the Protectorate Bohemia and Moravia, and whose transfer to an institution of the Protectorate should be suggested as soon as possible.

(Initial: ) P"

for Pfannmueller.



Court No. 1

The Tribunal will certainly recall that I read from Document NO-1135- this list of Jews, pointing out the 2 names from Poland and the name of the Jew from the Protectorate, Bohemia-Moravia, and the No. 13, whose name was crossed from the list. This document refers to this list.

I turn now to Document NO-1312, Prosecution Exhibit 338:

"The Director of the Mental Institution  
of the District Association Upper Bavaria

Eglfing-Haar

"Contract

"I have been instructed by the director of the mental institution Eglfing-Haar, Obermedizinalrat Dr. Pfannenweller, with regard to the kind of work and my duties in the special ward of the children's ward of the mental institution Eglfing-Haar, in which children of the Reich Committee for the Scientific Approach to severe Hereditary and Constitutional Diseases are confined. I declare to carry out my duties in this ward according to the instructions issued by my chief and I confirm that my attention has been called to the fact that the treatment of the children in this ward is top secret and is to be kept as such. I have been instructed that I have been ordered absolute secrecy as to the incidents which will become known to me during the treatment of the children of this ward, and that the law provides that any breach of secrecy will be punished with the death sentence. I have been sworn to absolute secrecy by hand shake. I shall observe it most strictly always and towards everybody.

"Eglfing, 25 April 1941

(signatures:) "Dantlemer Emma

"Spindler Maria

"Lang Emma

The next document, Number NO-1311, which will be Prosecution Exhibit 339, is another document swearing to secrecy one of the officials of the insane asylum:

Court No. 1

"Obligation"

"I, the undersigned, have been obligated by handshake instead of by an oath, on the part of the director, to receive and to copy matters concerning the Reich which have to be kept secret. Such papers are of special confidential nature. I herewith undertake to keep all papers which should become known to me under the heading 'Top Secret' strictly secret, and never to give anyone knowledge of them without specific order from the director of the Institution, Dr. Pfannmüller. My attention has been called to the fact that if I should not keep this oath of secrecy, I will face prosecution by the Gestapo, and that I will have to count with the possibility of the death penalty if I should either carelessly or deliberately divulge matters which have become known to me as 'Top Secret'."

"Egging-Haar, 20 February 1942

(signature) "Erich Frank"

This finishes Document Book No. 17. Dr. Shiller will now proceed in submitting the evidence which is contained in Document Book No. 16, Second Part.

MR. SHILLER: If it please the Tribunal, I should now like to offer in evidence Document Number NO-1131 as Prosecution Exhibit Number 340. This document consists of a number of .....

THE PRESIDENT: Has the Tribunal received copies of that Document Book?

MR. SHILLER: I believe the Secretary General has been furnished with copies of this Document Book, Your Honor, Book 16, Part 2.

THE PRESIDENT: A search is being made for the copies of this Document Book in English. I would like to ask the prosecution a question about Document Book Number 17-- the first document in the book, Document Number NO-471,--that was not offered in evidence this morning. Has it already been received in evidence?

MR. SHILLER: Yes, Your Honor, this is already Prosecution Exhibit Number 238.

Court No. 1

THE PRESIDENT: Two of the copies handed to the Bench are Document Book Number 14, Part 1, and the two copies are Document Book Number 14, Part 2. We are still short two copies of Document Book, Part 2.....I was misinformed. The Tribunal has the copies of Document Book 14, Part 2.

MR. SKILLER: The first document in Document Book 14, Part 2, is Document Number NO-1131. Is that correct, Your Honor? This is another document similar to the ones already read by Mr. Hochwald. That is, it is an order from the State Ministry of the Interior at Munich, 12 November 1940, to Director Dr. Pfammeller, ordering the transport of 140 patients from the Institution Egling-Maar.

THE PRESIDENT: What is the number of this Exhibit?

MR. SKILLER: This is Prosecution Exhibit Number 340. On the next page, that is page 94, we see again a receipt, the bottom of which is dated "Egling, 15 November 1940" (signature) "E. Puppe, For the Charitable Patient Transport Corp.". Pages 95 and 96 consist of Transport List No. 5 from Egling Maar, dated 15 November 1940, giving a total of 57 patients. Page 97, 98, and 99, consist of Transport List No. 7, dated 15 November 1940, with a total of 34 patients.

Turning to page 100, I now introduce in evidence Document Number NO-1132, another order from the State Ministry of the Interior. This will be Prosecution Exhibit Number 341.

On page 101 again we have a receipt from Egling, 13 February 1941, (signature) E. Puppe, For the Charitable Patient Transport Corp.

Turning to page 103, pages 103, 104, and 105, consist of Transport List No. 13, completed on 25 February 1941, consisting of 77 patients.

Turning to page 107, Your Honor, pages 107, 108 and 109, consist of Transport List No. 13, completed on 25 February 1941, listing a total of 74 patients.

The next document is Document Number NO-1144, on page 110 of the Document Book, which I now offer into evidence as Prosecution Exhibit 342. This

Cert No. 1

document consists of correspondence, that is, inquiries as to the whereabouts of various inmates of mental institutions:

"Copy"

"November 1st, 1940

"Therapeutic Establishment of Wernack by Muerzburg

"Gentlemen:

"I learned that my mother, Frau Gertrud Sonder, is supposed to be no longer in Wernack. As her only child, and as an American citizen who has contributed to the costs of my mother's upkeep, I request you kindly to give me an indication as to the present whereabouts of my mother.

"I should be very thankful if you would give me such indication by return air mail. Please charge any eventual expenses to my privileged frozen account with the Bayerische Vereinsbank in Muerzburg.

"Respectfully,

(signed) "Hans Sonder

c/o Topsy's

112-01 Queens Blvd.

Forest Hills, N.Y., U.S.A."

on the next page we find the reply:

"COPY"

"Tr. 5289

"1 Enclosure

"To: The Management of the Therapeutic and Nursing Establishment

"Eglfing-Haus

"transmitted with request to handle directly, the present location of Gertrud Sonder being unknown in this establishment.

"Wernack, 3 December 1940

"The Management of the Therapeutic and Nursing

1254



13 Jan-4-7-5-Lassar

Court No.1

Establishment of Wernock

(signed) "Dr. Papst

"draft

"dat. 7.12.40 W

"No. 886h

"V. K. H. with 1 enclosure transmitted to the

Public Utility Sick Transportation G.m.b.H. Berlin W9,

Potsdamerplatz, 1,

with request for attention.

Egging, 7 December 1940,

The Management:"

On Page 112 another such inquiry:

"Copy - Elsa Sara Hochheimer - Mainz, 1 December 1940.

"To: The Management of the Therapeutic and Nursing Establishment  
Egling-Haar.

"I beg to inquire herewith whether my cousin Herr Oswald Feis from Deidesheim in der Pfalz is in your establishment. He reported to me sometime ago from the Therapeutic and Nursing Establishment in Ansbach that he was being transferred to Egling. Directly I wrote him three times enclosing a stamped envelope for answer, without receiving any news from him. A parcel sent to him was also returned to me.

"I request you kindly to let me have some news as soon as possible as to his state of health and as to whether he is still staying in your establishment I should like to prepare him a Christmas treat.

"Thanking you in advance for your prompt notification, I am Most respectfully, (Signed) Elsa Lucie Sara Hochheimer, Mainz, Martinstrasse 38/1. Enclosed: return postage 12 Pfennig stamps. No. 8823 V.K.H. transmitted to The Public Utility Sick Transportation G.m.b.H. Berlin W. 9, Potsdamerplatz 1 with request for attention. Egling, 6 December 1940, The Management Pfandweller."

On page 113 there is a reply draft.

"6/12/40. Mrs. Elsa Lucie Sara Hochheimer, Mainz, Martinstrasse 38./1  
Egling, 6 December 1940, Subject: Feis Oswald Israel. Your letter of December 1, 1940.

"We have forwarded your letter to the competent agency because the name of the receiving center is unknown to us."

I shall now skip a number of such inquiries and replies and I as your Honors to turn to page 118 of the Document book. This is another inquiry:

"Muningen, 4 December 1940, To: The Therapeutic and Nursing Establishment, Egling/Haar near Munich. Subject: Bertha Weil.

"The Therapeutic and Nursing Establishment Kaufbeuren informed me upon request that my cousin, Mrs. Berta Weil, nee Rosenbaum, of whom I am the sole relative still living in Germany, has been transferred to your establishment.  
1556

I beg for permission to call upon you asking how she is and on which days of the week I may visit her. Perhaps you are furthermore in a position to tell me what is the best possible way to reach Eglfing from Munich. Thanking you in advance, Most respectfully, (signed) Benne Israel Rosenbaum, return-stamp!"

On page 119 we have the reply:

"Draft ddt. 6/12/40. Mr. Benne Israel Rosenbaum, Memmingen, Eglfing,  
6 December 1940/

"Subject: Weil Berta Sara to letter from 4/12/40.

"Bertha Sara Weil has been transferred together with a collective transport of Jewish inmates to some other establishment according to a decision of the Ministry of the Interior. The name of the new establishment is not known to us. The relatives shall be informed by the receiving center."

Now, turn to the next Document on page 126 of the Document book. I offer in evidence Document No. 1143 as Prosecution Exhibit No. 343. This consists of eleven letters of inquiry as to the whereabouts of former inmates of Eglfing-Haar Institute. It is interesting to note that these inquiries are not made by private individuals, but by Government agencies, that is Reich Government agencies.

C o p y

"No. 6513, State Welfare Agency  
Main Franconia.

"Weurzburg, 3 December 1940  
Herrnstrasse 1, Telephone 3761.

To the Mental Institution - Eglfing - Haar, near Munich.

"Subject: Welfare service for Neumann of Schoellkrippen.

"According to information received from the Mental Institute Lehr in September of this year the above has been transferred to the Mental Institution Eglfing-Haar upon order of the State Ministry of the Interior. Upon our order to the district office Bavaria of the National Association of Jews in Germany in Munich, to make the payments to that institution, we received the answer that Neumann was not any more in Eglfing and that his whereabouts were unknown and that for that reason no payments would be made.

"Will you please inform me whether the statements are correct, since no-

thing is known here about a further transfer. (Signed) Koettnitz, mdt 10 December 1940 W, No. 8899 V.K.H. returned to the State Welfare Agency Main-Franconia in Wuerzburg, with the information, that, on 20 September 1940 Wilhelm Israel Neumann has been transferred to another institution with a collective transport of Jewish patients, according to a decree of the State Ministry of the Interior. The name of this institution is not known to us. Eglfing, 10 December 1940, Management: (Signature) illegible."

C o p y

"The Senior Public Prosecutor - Landau in the Palatinate 13 December 1940.

"To the Office of the Mayor - Landau,

"Subject: Placing under guardianship: Albert Israel Tillmann, born 22 February 1886 in Duerkheim, latest residence in Landau. Your file No. Dst. 10.

"Will you please inform me about the present whereabouts of Tillmann, according to information received from the management of the Mental Institute for Upper-Bavaria in Eglfing-Haar he has been transferred to an unknown institution with a collective transport of Jewish patients on 20 September 1940. Dr. Zoller, Certified: (Signed) Haessel, Clerk of the administration of justice.

Next page, seven:

"Subject: Placing under guardianship: Albert Israel Tillmann.

"Copy: To the Mental Institute - Eglfing-Haar, with the request to inform us as soon as possible, whether the present whereabouts of Tillmann are known, or upon whose orders he has possibly been transferred. Landau in the Palatinate, 23 December 1940, By order of the mayor:"

"Handwritten - Draft 1 30 December 1940 V.K.H. returned to the Mayor in Landau in the Palatinate (Draft), with the following information:

"The present whereabouts of Albert Israel Tillmann are not known here. The transfer took place upon the order of the State Ministry of the Interior. Eglfing, 30 December 1940, Acting for the Management: (Initialed) S".



Court No. 1

The Tribunal will now turn to page 132 of the Document Book. This is another letter.

"Copy

Nuremberg, 27 Sept. 1940

"The Lord Mayor of the City of the Reich Party Rallyes (Stadt der Reichsparteitage Health Department) Re: Wiesenrund Sofia, born in Nuremberg on 3 January 1894, last residence Nuremberg, Weinmarkt 14. The above mentioned was 'ischarf' from the mental institute Erlangen on 16 September 1940 and transferred to the mental institute Egling. (Order of the State Dept.) Custody Ordinance according to article 80/11, P. Penal Code, Nov. No. 3/41. G.R. to the mental institute Egling, with the request for a short statement whether a change has taken place in the condition of the sick. Nuremberg, 3 January 1941, Supreme Prosecutor: By order, signed: signature: Haller."

The answer is on the next page:

"First draft, dtd. 9 January 1941, no. 182, v.k.R. back inclusive 1 document.

"to the Supreme Prosecutor in Nuremberg, with the information that Sofia Sara Wiesenrund in accordance with a decision of the Reich Minister of the Interior was transferred in a collective transport of Jewish patients on 20 September 1940 to an institution unknown to us. Egling, 9 January 1941, The Director: Initialed."

This clearly shows that the secrecy of the program at this time was such that even other Reich government officers and ministers were not being informed as to the exact disposal of the patients.

The Tribunal will now turn to page 136 of the Document Book.

The next document which I now offer in evidence is Document No. 1134 as prosecution exhibit No. 334. This is another order of the State Ministry of the Interior to Director Dr. Hammeleller, ordering him to transport 140 patients. Of page 137 is another receipt.

Turning to page 139 - pages 139, 140 and 141 consist of transport list No. 10 completed on January 24, 1941 and having a total of 100 patients.

Court No. 1

Turning to page 143 of the Document Book, pages 143, 144 and 145 consist of transport lists No. 11, completed on January 24, 1941, having a total of 100 patients.

The Tribunal will now turn to page 147 of the Document Book. I now offer in evidence Document No. 1136 as Prosecution Exhibit No. 345. This is a list of transports of mental patients from Egling-Haar. Notice the last one at the bottom of the page, Transport 20, dated 2 June 1941. The number transported in that transport is given as 1, 857.

MR. SERVATIUS, (Attorney for the Defendant Brandt): Mr. President, in the Document Book which has been given to us there are a number of lists lacking. Documents 1136 and 1145, furthermore a document, namely No. 868 is missing. If they should be given to me at a later time, I should be in a position to raise objections perhaps at that time.

MR. SMILLER: Your Honor, Documents Nos. 1136 and 1146, the first two documents referred to by Mr. Servatius, are such that they could not be simply copied in German. I believe there were pencil notations or something of that nature on them, therefore, they were photostated. Being bulky, they were delivered to the Defendant's Information Center, I believe, on Thursday of last week. They have at least nineteen copies delivered to the Defendant's Information Center. With respect to the third document, No. 868, that document with its remains in the index has been omitted from the Document Book in both German and English and will not be offered in evidence.

MR. SMILLER: After all the examination has transpired if the Defense Counsel has not received clear copies, the omission will be rectified at the earliest possible date and if they have received the copies, that will be satisfactory.

MR. SMILLER: I now go to the next Document on page 148 and offer in evidence Document 1139 as Prosecution Exhibit 346. This is a letter from Dr. Schaeffer "To the Reich Committee for the Scientific Approach and Treatment of Severe Hereditary and Constitutional Diseases. Berlin 9, Post 1560

Office Box 101, Egging, 17 January 1941. Subject: Obligatory Registration of deformed and other new-born patients of the Mental Institution of Egging-Haar. Enclosures: 3 Registrations.

"According to the arrangements agreed upon at the conference of 10 December 1941 in Berlin W 8, Vosstrasse 4, you received enclosed 3 notices of cases hospitalized in the Children's House of the mental institution of Egging-Haar, which by virtue of the decision of the Reich Ministry of the Interior IV-B, 30 8/39 16 August 1939 are to be reported."

THE PRESIDENT: I have 18 August.

MR. SCHILLER: I am sorry, Your Honor, that should be 18.

"Heil Hitler" (initialed) illegible. pencilled: Have been registered: 1) Czerny Gertrud 8 January 35, 2) Harnsterner, Edwera, 2 January 1938 and 3) Trenker, Gertrud, 7 May 1938."

I ask Your Honors to turn to the next page of the document book. I offer in evidence No. 1142 as Prosecution Exhibit No. 347. This is a letter from Pfannmueller concerning Jewish inmates of his institution.

"Stamped: To be filed.

"To the General Sick Transport Company G.m.b.H., Berlin W 9, Potsdamer Platz 1, 28 February 1941.

"Jewish inmates of Institutions. RE: Your letter of 25 February 1941.

"The enclosed lists have been completed by adding the requested data, as far as this has been possible. We remark in this connection that various patients had been admitted to this institution as transient patients for only a few days. (Initialed.)"

THE PRESIDENT: That Document is initialed "Z". What identifies it as being written by Dr. Pfannmueller?

MR. SCHILLER: I am sorry, Your Honor, this is one of the documents taken from the files of Dr. Pfannmueller. It is my understanding that this is one written at his direction. I will retract the

13 Jan. 44-FF-8-3a-Meehan (BK)  
Court No. 1

statement that it is from Pfennueller, however, besides the  
original document, as I am now given to



13 Jan-16-JT-8-4a-Moehan

Court No. 1

understand, contains the Initial "Z" and not Pfannmeller, which does not show on the translation and the letter "Z" is not the initial referred to, but has some other connotation unknown to me at the present time.

I now introduce in evidence Document No. 1141 as Prosecution Exhibit No. 349. This is a letter from Frank Fruehbeisser, Legal Advisor, Reich Professional Group to the director of the mental institution. It is dated 25 April 1941:

"Subject: Heritage of Berta Sara Wertheimer - having died on 3 December 1940 in the insane asylum Cheln.

"The there temporarily admitted Wertheimer has left the territory of the Reich.

"I am asking for information as to where to Wertheimer was transferred from there on 20 September 1940. Signed Heil Hitler: Administrator of Legacy.

"dtd 25 April 1941. W.

"one following handwritten:

"letter back.

"B.A.W. was transferred according to a decree of the Bavarian State Ministry of the Interior of 4 September 1940 No. 5236 a 44 in a collective transport of Jewish inmates from our institution to an institution unknown to us. The transport of the patients was carried out by the General Patients Transport Company, G.m.b.H., Berlin W.9, Potsdamer Platz 1, to which you may turn with all further questions.

"signature: 27 April 1941 Pf."

The next document is Document No. 1138. Your Honors, this has been incorrectly stapled in the document book; that is, page 152 should come before page 151. I should like to start, therefore, on page 152. This is Document No. 1138, which we offer as Prosecution Exhibit No. 349. This document consists of correspondence between Pfennueller and the Reich Committee for Scientific Research of Hereditary and Constitutional Serious Diseases.

"Reich Committee  
for the Scientific Research  
of Hereditary and Constitutional  
Serious Diseases

dated  
30 April 1941

"To Mr. Dr. Pfennueller  
Mental Institution

Elfing-Haar near Munich  
Post Office box 31

"Subject: Child Anna Marie Thalmeier,  
born 5 May 1938 in Weinsach, Pfaffenhofen."

THE PRESIDENT: This document which is contained in the book  
before me, it contains the date 5 May 1941 at the head of the  
document and reads, "The answer to your letter of 30th of April  
1941."

MR. SCILLER: Your Honor, that is correct. Page 152 should be  
the first page of the document, and is dated 30 April 1941 and  
the reply carried a later date, and that is 5 May 1941. Is that  
clear, Your Honor?

(no audible response.)

"I have received a report on the child Anna Marie Thalmeier  
who was transferred by you on 11 June 1940 to the Associated  
Institution Schoenbrunn, Station and Post Office Roehrnmoos.

"I request a medical report with prognosis on the child, insofar  
as it is still possible at this time.

Heil Hitler!

as Deputy:

Dr. Klein.

"Stamp: Reich Committee for the Scientific  
Research of Hereditary and Constitutional  
Serious Diseases."

Now, turn to page 151, Your Honor, and this is the reply:

"Elfing, the 5 May 1941.

Draft

dtd. 5 May 1941."

To the

Reich Committee

for Scientific Research

of Hereditary and Constitutional

Serious Diseases.

Berlin W 9

Post Office box 101

"Subject: The child Anna Marie Thalmeier,

18 Jan 47-M-EM-9-3-Maloy  
Court No. 1

Born 5 May 1938 in Wolsrach, Pfaffenhofen.

The answer to your letter of 30 April 1941

Dr. H/M

"The child Anna Marie Thalmaier was in our institution from 17 March 1940 until 11 June 1940. At that time she was under observation in the children's house and on the letter date was



given to her father who declared himself ready to take the child, who was greatly in need of nursing, to the Associated Institution Schoenbrunn, post-office Roshnoods near Dachau. The special psychiatrist in our children's ward who had treated the child has been drafted. From our files, however, it can definitely be ascertained that the girl is suffering from feeble-mindedness together with Paroxysmic disturbances, (loss of tone) due to an attack of meningencephalitis in February 1939. The child evinces a spastic collapse on the right side, but no other neurological findings except for a diverse strabism. She can sit and stand but not walk not even if assisted: she does not speak and has here learned to eat with the spoon. She is very much in need of care and suited for the Institution Schoenbrunn. In my opinion the child is one of those we observe and treat in our institution according to the regulations of Reich Committee for Scientific Research of Hereditary and Constitutional Serious Diseases. The special ward of the children's house was not yet opened at the time we transferred the child.

"Heil Hitler!

(signature) B."

The Tribunal will now turn to the next document, page 154, of the Document Book. I offer this in evidence as Document No. 1140, Prosecution Exhibit 350. This document consists of several letters from Pfannmueller to the General Patients Transport, G.m.b.H., concerning inquiries by relatives.

"D r a f t !

"To the General Patients Transport G.m.b.H.

Salzburg, 2 May 1941.

"Subject: Buchbinder Hilde Sara, born 1 August 1894. With 1 enclosure.

"Attached we are sending you a letter concerning Hilde Sara Buchbinder with the request that you handle this there. Buchbinder was transferred by you to another institution on 30 September 1940 in a collective transport of Jewish institution patients according to a decision of the

State Ministry of the Interior.

Heil Hitler!"

On the next page we have a similar letter dated 3 May 1941.  
Subject: Schwarz Heinrich Israel.

Page 156 of the Document Book is an interesting document which I now offer in evidence as Document EO-1137, which will be Prosecution Exhibit No. 351. This is a document concerning the entry of children into mental institutions.

Ministerial Gazette of the Reich and Prussian Ministry of the Interior.

No. 23 of 4 June 1941.

Recognition of the need for institutional care of children with severe congenital afflictions.

Circular of the Reich Minister of the Interior of 30 May 1941 -  
IV W I 9/41-7305.

"With reference to the circular of 18 June and 1 July 1940 (Reich Ministerial Gazette IV, page 1205, 1437) I request the social welfare associations to recognize in indigent cases the necessity for institutional care in the institution determined by the Reich Committee in those cases in which the Reich Committee for the scientific survey of severe afflictions through heredity or predisposition approaches the district physician for commitment of a child to an institution; this applies especially to the state (Landes) welfare associations insofar as they have to administer the institutional care in the sphere of the so-called extraordinary welfare burden (for instance, in accordance with Par. 6, Pruss. Regulatory Decree to the IV) (See GS 1932 page 207; 1937 page 103) or pay the expenses.

"To the social welfare associations and their supervising authorities.

"Reich Ministerial Gazette IV, Page 100."

The next document begins on page 157 of the Document Book and I now offer in evidence Document 1145, as Prosecution Exhibit No. 352. On Page 157 translated for the heading "List of reported children according to the Circular of the Reich Minister of Interior about disposition of deformed (and similarly afflicted) new born babies."

Pages 157 to page 162 of six of these lists.

The Tribunal will now turn to page 164. You will notice that Number 95 "Schnirer Walter, in the institution authorization."

The word "authorization" in these lists of patients would seem to mean that the patient had been marked for death; that is for a mercy killing.

On page 165 you will notice Patients 103 and 104. Again in the next column we have the feature mark, "authorization."

THE PRESIDENT: You say that is true in regard to the persons appearing on page 163, as well?

MR. SCHILLER: There is one, No. 44, on page 163.

Then under "released to", "x in the institution" and "authorization".

Turning to page 167 of the Document Book you will note the large number of patients after whose name is written the word "authorized."

In the third column it says "in the institution", and the next word "authorized".

Now, I would like to turn to page 172 of the Document Book, the Prosecution introduces in evidence Prosecution Exhibit No. 353. This is one of the documents referred to by Dr. Servatius, obviously which we have given in photostat form. This document is a list of mentally ill children, who were wilfully put to death.

I should like now to turn to page 177, where the Tribunal can notice the last number is 171, that is 171 of such children.

The Tribunal will turn to page 179 of the Document Book. I should like to introduce in evidence Document No. 1129, as



Prosecution Exhibit No. 354. This document consists of a number of letters, I believe about nine letters from Pfannmüller to the Hospital and Nursing Establishments, concerning questionnaires.

Page 179 is a letter dated Eglfing, 19 November 1940.

It is addressed "To the Reich Association Hospital and Nursing Establishments. Berlin, 7.9, attention: Party comrade Prof. Dr. Heyde."

"Subject: 102nd shipment of registration forms - 300 pieces.

Nos. 129.501 to 129.800

re: letter of 12 November 1940.

Dear party comrade Prof. Dr. Heyde,

Enclosed, I am returning to you the 102nd shipment of 300 registration forms, nos. 129.501 - 129.800 after examination.

Heil Hitler!

Dr. Pfannmüller."

On Page 180, a similar letter dated "Eglfing, 23 November 1940."

The Court will notice opposite the word "Subject;" 106th Shipment of registration forms, 258 pieces."

Page 181 a similar letter refers to the 104th shipment of 300 pieces.

On Page 182 another letter refers to the 105th shipment of registration forms, 300 pieces.

On Page 183 another letter from Eglfing from Dr. Pfannmüller to Dr. Heyde, refers to the 107th shipment of registration forms, 300 pieces.

On Page 184 still another refers to the 108th shipment of registration forms, 300 pieces.

The Tribunal will now turn to Page 187. This is the last letter in this document and refers to the 108th shipment of registration forms, 200 pieces, Nos. 181.001.

On Page 188 the next document No. 1130, which I should now like to offer in evidence as Prosecution Exhibit No. 355. This document consists of 19 letters from hospitals concerning questionnaires.

"Reich Association

Hospital and Nursing Establishments.

13 Jan 47-AFJC-9-20-Maloy  
Court No. 1

To the

Member of the Committee of Experts

Director Dr. Pfannmüller

Eglfing-Herr near Munich.

Subject: Shipment of Questionnaire Photostats Nos. 129.501 to  
129.800

Enclosed I am sending you 300 questionnaires from the institutions.

Duren and Warstein.

with the request for examination.

Proper postage label is enclosed, to be used for return shipment.

Heil Hitler.

Prof. Dr. Heyde."

This illustrates the practice of sending the questionnaires to customers of other mental institutions. So the Director of Eglfing-Haar did not pass upon — pass judgment upon the patients of Eglfing-Haar.

The Tribunal will now turn to Page 195. You will notice a letter to Dr. Pfannmüller, and that page is signed "Heil Hitler, By order: Nietzsche" one of those experts in the euthanasia program.

Now, omitting reading a large number of these letters to Dr. Pfannmüller from the different hospitals, and from Nietzsche and Heyde concerning shipment of questionnaire photostats.

If the Tribunal will now turn to Page 207, which is the last page of this document, I should merely like to call the attention of the Tribunal to the high numbers now represented; under "Subject:" "Shipment of Questionnaire Photostats Nos. 183 851 - 184 050." Signed "Heyde."

The next document No. 826, on Page 208 of the Document Book, which the Prosecution wishes to offer in evidence as Exhibit No. 356:

"Copy

"The Reich Defense Commissioner

for the Service Command III

To the

Mental Institutions located in Wehrkreis III.

Subject: Transfer of inmates of the Mental Institutions.

"In order to simplify the administration, in the course of reorganization of Mental Institutions, I shall order the transfer of a greater number of inmates of the Mental Institutions in the near future. I shall order the transfers from case to case as they become necessary. The patients will be transferred in concentrated transport groups accompanied by their records. The dispatching institution will not incur any expenditures for the transport. The case records will be returned after examination by the receiving institution. The relatives will also be informed by the receiving Institutions. Those who pay for the inmates support are to be advised that further payments are to be interrupted temporarily from the time of transfer until their

signed: Stuerts."

Page 209 of the Document Book is another document, that is Document No. 1695-PS, which the Prosecution offers in evidence as Prosecution Exhibit No. 357. This is a letter from Dr. Conti to the Minister of the Interior, concerning questionnaires. It also has attached to it a form of questionnaire and a document on procedure.

"The Reichminister of the Interior, 16 November 1939.

To the Head of the  
Hospital (for mental cases)  
Kaufbeuren

or his Deputy in  
Kaufbeuren.

With regard to the necessity for a systemized economic plan for Hospitals and Nursing Institutions, I request you to



fill out— This is a typographical error. It should be "out." —"the attached Registration Forms immediately, in accordance with the attached instructional leaflet, and to return them to me. If you yourself are not a doctor the Registration Forms for the individual patients are to be filled in by the superintending doctor. The filling up of the questionnaires is, if possible, to be done on a typewriter. In the column "Diagnosis" I request a statement as exact as possible, also a short description of the condition if possible.

"In order to expedite the work, the registration forms for the individual patients can be dispatched here in several parts. The last consignment must, however, in any case have arrived at this Ministry at the latest on 1 January 1940. I reserve for myself the right, should occasion arise, to institute further official inquiries on the spot through my representative.

(sd) Dr. Conti."

On Page 210 of the Document Book, Your Honors, about the middle of the page, on the right hand side, is a notation for an answer. The notation says "Race" with an asterisk. At the bottom of the page the asterisk is repeated, and it says:

"\*German or of similar blood (of German blood), Jew, Jewish mixed breed Grades I or II, Negro (mixed breed)."

This obviously shows the racial connotation of the euthanasia program. In the middle of the page it also says: "Nationality," leaving a blank for the nationality to be put in.

Near the bottom of the page it says:

"Regular visit and by whom (address)

"Guardian or nurse (Name, address)

"Responsible for payment: ..... Since when in that Institution."

It might be questioned as to whether individuals for whom no one was responsible for payment retained a fair chance or any chance of continued life.

On Page 211 of the Document Book, near the bottom of the page, about the fourth line up:

"Manner of employment (detailed description of work)

"Permanent Employment, independent worker," and "yes" or "no."

"Value of work (if possible compared with average performance of healthy person)."

Again this shows that where the individual would result in some economic benefit to the Reich or to the Reich Government, that this was not purely a matter of medical and scientific interest.

On Page 212 of the Document book, "Public Utility, Ambulance Transportation G.m.b.H., Dept. II/d, H/K ---"

THE PRESIDENT: Before continuing with this document the Tribunal will recess until 1:30.

(A recess was taken until 1530 hours.)

CORRECTED COPY

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 13 January 1947)

THE MARSHAL: The Tribunal is again in session.

MR. SCHILLER: If the Tribunal please, I should now like to continue reading Document 1696-75. That is on page 212 of the document book, page 4 of said document. Dated 12 May 1941, Public Utility, Ambulance Transportation G.m.b.H. to the Director of the Hospital of the District Association of Swabia, Kaufbeuren, Bavaria.

"Dear Director: By order of the Reich Defense Commissioner I must remove mental cases from your institution and from the Branch at Irsee to another institution. A total of 140 persons are to be transported, 70 on the 4th of June and 70 on the 5th of June. I forward you herewith Transport Lists nos. 8, 9, 10, and 11 in triplicate. The additional names on the lists are intended for possible deficits (discharged prematurely, died, etc.)

"The marking of the patients is most suitably done by means of a strip of adhesive tape, on which the name is written in ink-pencil, to be pasted between the shoulder blades. At the same time the name is to be put on an article of clothing.

"The hospital reports and personal histories are to be prepared for the transportation and handed to our Director of Transport, Herr Kayser, in the same way the personal possessions of the patients, as well as money and articles of value.

"I enclose report information cards and information cards as to the defrayer of the expenses, which accurately filled out, must be handed in at the time of transportation. Money and articles of value, besides being noted on the property information cards, must also be noted on separate special lists (in duplicate). Transportation takes place: 4th June, 8:45 a.m. from Kaufbeuren - 70 patients; on 5th June, 8:45 a.m. from Kaufbeuren - 70 patients. Our Director of trans-



13 Jan 47-4-CE-10 -1-Minabuck (HSD)  
Court No. 1

port, Herr Zuppor, will visit you the previous day in order to discuss further details with you.

"I further request you to provide the patients with food (2 or 3 slices of bread and butter each and some cans of coffee). Heil Hitler!  
Signature.



illegible, Public Utility Ambulance Transportation G.m.b.H."

On page 214: "Provincial Association for Social Welfare, Swabia; Address, Augsburg 1, P.O. Box Regierungspresident, addressed to Director Dr. Falthäuser of the Hospital, Kaufbeuren. Your reference: 2080. Your letter of 18.11.40 Augsburg, 6.5.1941, concerning the transfer of patients.

"I have the honor to inform you that the female patients transferred from your institution on 8.11.1940 to the institutions in Grafeneck, Bernburg, Sonnenstein and Hartheim all died in November of last year. Signature, illegible."

Page 215. "Copy: Ministry of State of the Interior, Oberregierungsrat Gamm, dated Munich, 24 November 1942, to the Director of the Hospital, Kaufbeuren, Doctor of Medicine, Dr. Falthäuser. To Head Physician Dr. W. Leinisch, Gensburg. Re letter of 13.11. 1942.

"Dear Doctor: In your letter of 13.11.1942 you requested me to send suitable epileptics for the carrying out of your research work. I had an opportunity of discussing this with the Obermedizinalrat Dr. Falthäuser and Dr. Pfannmueller. Both will willingly deliver you suitable patients. For various reasons patients from the Institution at Kaufbeuren are primarily to be chosen. If this institution has no suitable material, I agree to the transfer of patients from Eglfing-Haar to Gensburg for your research work. I request you to get into touch with Dr. Falthäuser. Heil Hitler, signature, Gamm."

Now turn to page 216 of the document book and I offer in evidence Document Number NO-825 as Prosecution Exhibit Number 358. This would seem to be a form letter from Conti to administrators of various mental institutions.

"Copy. The Reich Minister of the Interior, Berlin, 24 October 1929, to the Chief of Blank or official deputy at Blank. With regard to the necessity of coordinating the mental institutions through planned economy I request you to fill out the attached questionnaires immediately according to the enclosed instruction leaflet and to return them to me." This is signed by order, Dr. Conti.

On page 217, 218 and 219 we see the different pages of the enclosed

leaflet. On page 219, the first paragraph, "All patients are to be enumerated who, (1) are suffering from the following illnesses and cannot be employed, or for mechanical work only (plucking and similar work), in the institution." Dropping to number 3, "are interned as criminally insane persons, or (4) are not of German nationality or are not of German or German-related blood, indicating the race and nationality."

On page 220 we find a page headed: Explanations; that is, explanations of the leaflet. The last paragraph reads as follows:

"In cases of patients being newly admitted after the deadline date, questionnaires are to be filled out as well and to be sent to me collectively every year on 1 February (for the deadline date of 1 January) and 1 August (for the deadline date of 1 July)."

In view of this paragraph it may be questioned whether the authorities cared as to whether or not the doctors could perform a good diagnosis in a few days for the patients newly admitted after the deadline.

This completes Document Book 14, part II. My associate, Mr. Robbins, will

now continue with the presentation of evidence in Document Book 14,  
Part III.

MR. ROBBINS: May it please the Tribunal, I now offer Document  
Number 3871-PS as Prosecution Exhibit 359. The first part of this  
document is a notice printed on green paper which accompanies the question-  
naire and merely states that notification is to be made of all patients  
who fall in the following four categories:

"1. Those who suffer from communicable diseases", listed there;  
2) those who have been inmates of the Institution for at least five years  
or 3) those who are confined as criminally insane persons; or 4) those who  
do not possess German citizenship or who are not of German or related  
blood. State race and ...."

THE PRESIDENT: From what page of this document book are you  
reading, counsel?

MR. ROBBINS: "....citizenship." The footnote on the document ...

THE PRESIDENT: Counsel, from what page of this document book are  
you reading?

MR. ROBBINS: This is page 223, your Honor, of Document Book Number  
3. The footnote at the bottom of the page defines race, several cate-  
gories of race, as Germans and those of related blood, Jew, part Jew,  
first and second grade, negro, part negro, gypsy, part gypsy and so forth.  
I will merely refer to the last paragraph of the same green notice on  
page 224 of the document book. It reads as follows:

"Fresh cases of patients to be reported from your Institution after  
the date as specified are to be similarly reported on questionnaires and  
collected and sent to me by the 1st February (as of 1st January) or 1st  
August (as of 1st July) of each year."

I will omit reading the next part of the document which is similar  
to a document read by Mr. Schiller. The document that he read was 1695-  
PS. It merely contains instructions as to the filling out of the question-  
naire and is signed by Dr. Conti as deputy.

The third part of the same document, 3871-PS, is found on page 225 of the document book. It is a letter signed by London. It is on the letterhead of the Reich Ministry of the Interior, dated Berlin, 10 November 1942, to the Director of the -r. North Private Clinic in Bonn, regarding the survey of the institutions for the care and treatment of the insane of all types.



"Supplementing my above mentioned letter, it is laid down that the Institutions for the Care and Treatment of the Insane are to notify me by the first of February (as of 1st January) and by the first of August (as of 1st July) of each year after the last notification, in other words, during the last six months what patients they have received.

"I take this opportunity of reiterating this directive. At the same time I note the following:

"For special reasons I now stress the necessity of making a complete report of all patients in the individual institutions.

"I, therefore, request that in future notification be made of all patients irrespective of the form or length of illness who have been received into the Institution since the last six months notice."

I especially extract here that "notification be made of all patients irrespective of the form or length of illness." Continuing reading the letter:

"In order to obviate certain difficulties which might arise in regard to patients received into the Institution a few days before the date as of which reported and on when nothing can be said as yet, I am in agreement that a questionnaire be filled out especially for such patients who on the said date have been in the Institution for one month. In this way persons who have been received only temporarily can be eliminated.

"For the next date of notice, i.e., February 1943, I request in addition that you include in your report also all those inmates of your Institution for whom hitherto, in accordance with my earlier directive, forms have not been sent.

"The notifications should be made as before by completion of the questionnaire as prescribed and which can be obtained from me, and which are to be collected and forwarded to me as of the semi-annual date stipulated. Only the latest form of Questionnaire 1 with the printed reference 10407.41.2 G is to be used (form enclosed). Any old questionnaire forms in your possession can be used for other purposes.

"I request the most careful completion of these forms with regard to

all columns, as insufficient completion requiring necessary further inquiries will only involve additional work for you.

"In forwarding the questionnaires I am to be informed regularly of any changes which have taken place in the meantime in regard to patients already earlier reported, for instance, through death, discharge, transfer to other institutions, etc. This report can be made as of the dates in question on a list in duplicate, however, always giving the full name, date and place of birth, to which institutions transferred, etc.

"Should it occur that such changes have not taken place, then a notification to this effect should be made by the date in question.

"The supervising authorities of the institutions have been notified.  
By Order, Seal of the Reichsminister of the Interior. (Signed) Linden."

I should next like to offer into evidence Document No. NO-341 as Prosecution's Exhibit 360. This is a form letter which was used to notify relatives of the transfer of patients from mental institutions. The original contains blanks as indicated in the translation. It is on the letterhead of the Director of the State Mental Institution, to the attorney General in (blank), and it reads as follows:

"By virtue of a decree of the Reich Commissioner for the defense the patient (blank) has been transferred today to (blank) to another institution, whose name and address is not yet known to me. The institution in which the patient shall be accepted will notify you accordingly. I ask you to resist from further inquiries.

"In case you should not receive any communication from the institution which has accepted the patient, I recommend to make inquiries with the Patient Transport Corporation, Berlin 19, Potsdamerplatz 1."

I next offer into evidence Document No. NO-328 as Prosecution Exhibit 361 which is a typical letter informing parents of the death of their son. This particular letter being dated 20 February 1940, State Mental Institution Brandenburg on the Havel.

My dear Mr. Dr.,

"We regret to inform you that your son, who in the meantime had to be transferred to our institution, has died here unexpectedly as a result of abscessed tonsils on 17 February. We are sorry to say that all our medical efforts were in vain. He died softly and without any pain. With his serious and incurable disease death means relief for him.

"Due to the present danger of epidemic here, the body of the deceased had to be cremated immediately according to police request. We are asking you to inform us at your earliest convenience whether you want the urn with the earthly remains interred at any special cemetery. In that case we ask you to name the cemetery and give its correct address so that we can have the urn transferred to the administration of that cemetery. If you have no special wishes as to the burying or if you fail to inform us within a month, we will have the urn buried here free of charges. The belongings of the deceased had to be burned due to the danger of spreading of disease.

"We enclose two copies of the death certificate which you will carefully keep in order to submit them eventually to the authorities.

Heil HITLER

by order signed Dr. Mayer."

Evidence which I will present later show that letters such as this, identical letters, were mailed to several persons in the same locality. At times it was stated that the patient died from appendicitis when, as a matter of fact, the appendix had been removed as much as ten years previously.

The next document which I would like to offer into evidence is Document NO-828. I beg your pardon. This is still part of Document 828, and it is found on Page 229 of Document Book No. 111. This also a typical letter. I will not burden the Court with reading it since it is very similar to the previous letter.

The next document which is contained in the Document Book is No. NO-1190. I do not purport to offer this document in evidence at this time.

This document has been offered in evidence as Prosecution's Exhibit No. 321.

I should now like to offer into evidence Document 628-PS as Exhibit No. 362 found on Page 233 of Document Book No. 112. It is on the letterhead of the Country Asylum, Brandenburg on the Havel, and is another typical letter.

THE PRESIDENT: What number do you assign to this Exhibit?

MR. ROBBINS: This is No. 628-PS, your Honor.

THE PRESIDENT: As an exhibit, what number do you assign it?

MR. ROBBINS: No. 363

THE PRESIDENT: Have you any 361?

MR. ROBBINS: The previous document, No. 628, was Exhibit No. 361, I believe.

This is typical of the other letters in the record. I will not read this document at this time. I should now like to offer in evidence Document NO-840 as Prosecution Exhibit 363. It is found on Page 235 of the Document Book. It is on the letterhead of the State Mental Institution, Grafeneck, dated 6 August 1940. It is addressed to Frau Barbara Schmidt and is signed by Dr. Keller. It reads as follows:

"Dear Frau Schmidt:

We are very sorry to have to inform you that your daughter Franziska Schmidt she was moved on 25 July 1940 in the course of measures taken by the Reich Commissioner for Defense to this institution, suddenly and unexpectedly died here on 5 August 1940 due to a swelling of the brain. In view of the serious mental illness, the life of the deceased must suffer. You will, therefore, have to accept her death as deliverance from her sufferings.

As there is at present danger of an epidemic — "presuming a swelling of the brain—" at the local institution, the police authorities have ordered the immediate cremation of the body."

I will not read the next paragraph. The following paragraph reads: "Possible inquiries should be made in writing, as visits here are at



present forbidden for reasons of the danger of an epidemic."

I will omit reading the remainder of the letter.

I should now like to offer into evidence Document NO-3 -- I beg your pardon -- Document No. NO-837 as Prosecution Exhibit 364, which is a list of obituary notices contained in a Leipzig newspaper, 1940. I will not burden the Court by reading all of them. The first one reads as follows:

"After fearful uncertainty we received a day from Lins on the Danube the sad news of the sudden death of my dear wife, Mrs. Johanna Eckhardt, nee Koller, born 18 March 1894, died 20 September 1940. She has already been cremated in Lins."

The second one read as follows:

"After weeks of uncertainty we got the unbelievable news of the sudden death of my beloved son, Alfred Schuster. He died on 12 September. He has already been cremated in Lins on the Danube."

The third item is particularly interesting:

"From Lins/Danube we received the sad news that my good husband, Paul Koniko, veteran of the Great War 1914 to 1917, is no longer alive and already has been cremated there."

Evidence which I will present later will show that not even veterans of World War No. 1 were exempt from the Buchenwald Program. No. 4 reads:

"After weeks of uncertainty we received the news of the sudden death of our beloved son, Robert Schnell, bearer of the cross of honor 16/18 for war veterans, born on 12 May 1897, died 27 September 1940. He has been cremated already in Grafeneck, District of Munsingen."

No. 5 reads:

"After days of uncertainty we received the unbelievable news of the sudden death of my dear wife, Mrs. Elie Goerlitz, nee Rosenbaum, born 6 March 1901, died 24 September 1940, after she had already been cremated in Grafeneck."

I will skip to the thirteenth notice which reads as follows:

"Hard and unbelievable was the news of the sudden death of my beloved hus-

band Fritz Paul Zbarlein, bearer of the Iron Cross from World War I. The quiet burial of the urn which has been transferred from Linz/Danube has taken place on 5 October 1940. 14. Hard and unbelievable was the news of the death of my dear husband, Martin Bogt, at the age of 48 years. The cremation has already taken place at Hartheim near Linz/Danube.

It will be noticed that No. 18 refers to death at the Institution Sonnenstein near Pirna.

I should now like to offer into evidence Document No. 3865-PS as Prosecution Exhibit 365, and it is to be found on Page 239 of this Document Book. This is an affidavit by Dr. Irene Anna-Bruckmueller. It reads as follows:

'I, Dr. Irene Anna-Bruckmueller, med. counsel, born in Munich 21 December 1907, residing at Ansbach, Feuchtwangerstrasse 38, herewith declare under oath:

While I studied medicine from 1929 to 1933 I worked as trainee at the lunatic asylum Gabelssee during my vacation. I did this out of love for the profession in the asylum for the mentally deranged.

During my study of medicine I did not specialize in psychiatry; I only took the psychiatric courses prescribed within the syllabus of medical studies.

In 1934 I worked as junior assistant for eight months.

On 15 March 1935 I received a position as assistant doctor at the Ansbach asylum. In order to secure this position

I became a member of the Freuschaft in 1935. I knew that I would not be accepted anywhere without joining an organiza-

tion because I had some 45 applications which were all rejected. From the day I started my job to my discharge

in October 1945, I was the doctor in charge of the department for the most severe cases. In the course of my service

13 Jan 47-A-11-6-S-Putty (MSD)  
Court No. I

in the Ansbach asylum additional duties were delegated  
to me, for instance, in 1939 with the beginning of the  
war I was also

put in charge of the most severe male patients.

In 1940 a children's ward was added to my responsibilities.

The types of insane entrusted to my care were mainly the following: schizophrenics, epileptics, manic depressives, seniles and comparatively rare cases of paranoia and paralysis. Among the children the larger number were idiots with deformity and hydrocephalics.

The Ansbach Sanatorium had a capacity of 1400-1500 beds.

Usually the number of patients was 1100; but during the war additional patients from the territories hit by the war were constantly brought in, and the highest number of patients was 1600. From 1933-1938 a Dr. Karl von Hossilin was

head of the asylum; Dr. Herbert Schuch from 1938 to the end of the year 1945. On the basis of my experience as a

trainee, I introduced occupational therapy in my wards and reduced medicinal therapy as far as at all possible.

The patients physically suitable were occupied with washing, sewing and work in the garden. Professional ability

and the professional cost of the individual patient were taken into consideration as far as possible. But in general occupational therapy was always applied in the

interest of the institution. Those patients for whom occupational therapy was not indicated were treated with medicine

such as Paraldehyde, veronal, luminal and similar opiates.



Court No. 1

"In many cases these patients were given electric shock treatment, insulin shock treatment and in case of epileptics rattlesnake venom injections. Those discharged from my ward rarely were completely cured patients; the majority were improved cases. These patients were transferred to wards for observation and light cases and discharged from there. Between 1940 and 1942 altogether approximately 240 to 300 departures took place. The patients were shipped to the institutions at Sonnenstein near Pirna/Elbe in four or five transports of about sixty each for the purpose of mercy killings. The history of these killings is as follows:

"In spring or summer 1940 a commission headed by Dr. Steinmeyer arrived at our institution and studied the case histories of our patients. The commission consisted of a total number of 25; among them were at least two medical doctors, the above mentioned Dr. Steinmeyer and another doctor who was pointed out to me by members of the group as an assistant to Dr. Heyde, director of the Psychiatric Clinic in Berlin, a number of medical students and clerical staff. The commission remained at our institution for three days; during this time they made summaries of case histories. According to Dr. Schuch approximately a quarter of a year later a list of inmates in our institution, made up by the commission, was received by us and instructions that these patients must be kept ready for transfer to another institution. In the case of this first transport I did not know the real meaning of this transfer to another institution. All the hundred patients on the list were then brought to Sonnenstein in one transport. I do not recall, however, if Dr. Schuch kept back a number of the best workers among the patients on the list from this first transport as he did with the following transports. After six weeks or a quarter of a year a second such list was received at the institution which again included a number of valuable workers among the patients. Since, in the meantime it had become known in our institution that these transfers were an indication for the purpose of mercy killings, Dr. Schuch crossed about 40 names from the list which represented either valuable workers or still very

strong personalities. Therefore only 60 to 70 instead of the requested 100 were sent to Sonnenstein. Till 1942 two or three additional lists were received and the respective transports carried out.

'As far as I can judge the choice of the patients was not made in a consistent manner according to the degree of illness of the patient otherwise it would not have been possible that hopeless cases were not on the list and that physically able and more or less clever workers were. Dr. Schuch as well as his medical co-workers were upset about these mercy killings, and it is my opinion that Dr. Schuch lodged protests with the authorities against the shipment of patients doomed to die. This is also confirmed by the fact that Dr. Schelenbach, as far as I know affiliated with the Reichsarbeitsgemeinschaft for lunatic asylums and plenipotentiary of the Reich Ministry of the Interior, during his presence in Ansbach, violently accused and threatened Dr. Schuch because of the latter's spectacle of the mercy killings.

'This discussion between Dr. Schelenbach and Dr. Schuch probably took place either in 1941 or 1942 after several transports had been carried out.

'The transfers for the purpose of killing stopped in 1942. I believe that this was caused by difficulties in regard to foreign policy.

'(signed) Dr. Irene Aeger-Bruckmüller.'

I should like now to offer into evidence Document No. 720 as Prosecution's Exhibit No. 366, on page 243 of Document Book No. 3. This is an affidavit by Dr. Horitz Schmidtman, being duly sworn:

'1. I was born in Munich, Germany, on 15 January 1886 and studied medicine at the University of Munich from 1905

13 Jan-A-JP-12-2-Beard (MSD)  
Court No. I

till 1910, I graduated from the University of Munich. I joined the NSDAP in May 1937. Moreover, I was a member of the NS Organization for Public Welfare, the NS Civil Servants' League, the Reich Colonial League, the Reich Air Raid Protection League, the NS War Veterans League. My Party Number is somewhere above 5 million. I was Blockleiter of the local group HA13 since 1938. Since 1912 I worked at the Mantel Institution

Chart No. 1

EGFING-HAAR, with an interruption during the first world war. I have been Deputy Director of this institution since 1932.

"2. Due to my position and my personal contact with Hermann Pfannmüller, I gained far-reaching knowledge of matters concerning the institution. From time to time I had conversations concerning the mission of the institution with Pfannmüller, the last director of this institution. In my capacity of Deputy Director, I had the opportunity to read a major part of the correspondence addressed to the administration. I received orders from the director. In his absence, I had to handle urgent matters.

"3. Due to my position, I gained knowledge of the transfer of patients to Reich Institutions. After a few months I found out that patients were killed in these so-called Reich Institutions. I found this out through several remarkable death notices which the relatives of the patients received, and through conversations with Pfannmüller.

"4. Altogether about 12 transports with approximately 80-100 patients were transferred from the Mental Institution EGFING-HAAR. Besides these transfers, an exclusively Jewish transport left on 20 October 1940, presumably for a Polish Institution. It was a matter of 158 Jews who had come to EGFING-HAAR on 23 September 1940, presumably for an institution in their home country. To the best of my recollection, the transfer of these foreigners occurred upon order of the Labor Office, Munich, which declared these people unfit for work. All of these 56 foreigners were mentally ill.

"I have read the above affidavit in the German language consisting of 2 (two) pages and declare that it is true and correct to the best of my knowledge and belief. I was given the opportunity to make changes and corrections in the above affidavit. The affidavit was given by me freely and voluntarily, without promise or reward and I was subjected to no compulsion or duress of any kind.

"(signed) r. Schmidtman."

Still a part of the Document No., No. 270, are the following lists attached



Court No. 1

and at the end of the document, namely, page 250, Doctor Braunschuhl makes the following statement:

"I, Director of the Upper Bavarian Mental Institution EGLFING-HAAR, doctor medical habil. Anton von Braunschuhl, have drawn up the above list consisting of 6 (six) pages in the German language, according to the ledger and lists of the Institution EGLFING-HAAR, and testify that these statements correspond with the original.

"(Signature) Dr. A. v. Braunschuhl."

The list on page 245, at the top of the page, contain the names of 15 Jewish men from the Institution EGLFING HAAR transferred on 20 September 1940. And, now I would like to refer back to a document introduced this morning by Mr. McHenry, which is Document No. 135, on page 41 of the First Document Book, to establish that certain of these persons were nationals of foreign countries, Silberberg, Helmut, which is No. 10 on the document before you, your Honor, is listed as a Polish national. Also No. 4 at the bottom of the page, Doctor Goldmann, is listed in the previous document as a Polish national.

THE COURT: You are referring to this prior exhibit?

MR. ROYCE: Your Honor, that is Document No. 135, which is Prosecution's Exhibit 334, and it is found on page 41 of Document Book No. 1 concerning the euthanasia program.

The list at the bottom of page 345 is headed "Jewish women from the Institution EGLFING HAAR transferred on 20 September 1940", and contains 19 names. The list on page 246 of the English Document Book is headed, "82 Jewish men from other Institutions (as far as names are available) transferred on 20 September 1940. The list on the following page is headed, "76 Jewish women from other Institutions (as far as names available) transferred on 20 September 1940," and contains the names of 35 women. Names 36 to 76 are listed as unknown. On the following page 248, out in the third Document Book, are two lists of 15 names each, "Under the designation 'called for'. The first name is listed as a Polish national who was transferred 16.9.1944. The second name listed is

Court No. 1

a Galicia national. The third, from the Ukrainians, and transferred 18.9.1944. It will be noted that each of the names of the 30 names listed on that page are of foreign nationality. And, so are those listed on page 249; the list contains the names of persons of foreign nationality, and the date on which they were transferred. The summary at the bottom of the page states;

"Transferred on 20 September 1940 were: 158 Jews (82 men, 76 women) from various institutions. Thirty-three Jews (14 men, 19 women) from EMLING HALL, Transferred to a concentration camp on 2 August 1944, 1 Jew (1 man). Total 192 Jews (97 men, 95 women). Under the designation 'called for' on 18 September 1944 are carried 56 foreigners (15 men, 41 women)".

I should now like to offer in evidence Document No. 386h as 'Prosecution' Exhibit No. 367. It is found on page 251 of Document Book No. 3. It is an affidavit by Dr. Max Leusser, and it reads as follows:

"I, Dr. Max Leusser, commissioned as head of the sanatory and recovery home Ansbach, after being duly sworn, declare and depose the following:

"From 1928 to 1936 I was a resident physician at the lunatic asylum in Erlangen and on July 1, 1936, was dismissed on account of my previous membership in the Nazi Party. Later I was a general practitioner in Pommernia; from 1939 - 1941 I was a medical army officer and was released in 1942 after an automobile accident; I returned to Pommernia and lived hidden in Bad Kissingen after having left Pommernia without permission because I expected that it would become Polish if the war were to last. In November 1945 I was commissioned chief of the lunatic asylum at Ansbach where I am now working. My predecessor was Dr. Rupert Schuch, who was removed by the American Military Government for being a party member and head of the institution during the war and who was arrested in January 1946. He is now in the camp at Ischaffenburg.

"My knowledge about the occurrences in the lunatic asylum at Ansbach during the war are based on information, which I received in the first place mostly from Dr. Schuch, but also from Frau Dr. Anna, a Dr. Priessmann, who was working at the asylum, but was removed on account of his membership to the party, and

Court No. 1

the nursing personnel. At the request of the Bavarian Ministry of the Interior I made a report and submitted it to the Ministry. I am repeating and confirming this report in a condensed form:

"A committee of physicians, announced by the Reich Ministry of the Interior appeared at the lunatic asylum at Ansbach with the order to examine the possibility of accommodating the incurable patients at some other place. It demanded the assignment of a special office room, access to the case-history files, obtained also oral report from the physicians of the asylum but gave only evasive answers to all questions with regard to the real purpose of their investigation. After four days their activities were concluded. Upon their departure the members stated that they had compiled a list of such patients who were going to be transferred to other institutions. After a while a letter of the Reich Ministry of the Interior arrived with the directive to make a number of patients, who were listed by name, ready for transportation on a certain date. At the same time word arrived that the transport was to be carried out by the Postal Corporation. The transport took place on the date named in the letter. According to the story of the transport manager the patients were being removed to the institution Sonnenstein near Pirna (Saxony). This procedure was repeated several times. When it became known that the transport served only the purpose of liquidating incurable patients inconspicuously, further directions coming from Berlin are supposed to have been subverted as much as possible.

"In 1943 and 1944 a number of children were killed in the asylum by putting them to sleep with luminal. These children were supposed to be complete idiots and in addition to suffer serious body deformities on account of which it was to be expected that they would die from tumors or inhalation pneumonia. The killings took place by virtue of a directive of the Reich Ministry of the Interior, which reached the management of the asylum by way of the usual office channels. A previous consultation of the parents did not take place."

'As far as I could learn approximately 300 adult patients were removed in the above mentioned way. The transports supposedly took place from the end of 1940/1941 to 1944. The total of patients in the asylum at the beginning of the war numbered 1400; at the end of the war, 1000. This number includes sick children. During these years approximately 150 children were processed in the asylum (admitted, died, released, transferred to other institutions or still staying at Ansbach). I was told that approximately fifty of these were killed in the above mentioned manner. At what time in 1943 these killings started I did not learn.

'We have in our files only the journals which contained the date of admission and release, respectively date of death as well as the diagnosis, further the case histories kept about the patients. All the correspondence, especially that with the branches in Berlin, was supposedly destroyed before the entering of the American troops. Dr. Schuch's story about this is credible according to my conviction because he repeatedly expressed his regret toward us that the documents which he assumed would exonerate him do not exist anymore. I understood him to say that he himself destroyed them upon orders from above. (signed) Max Dussner.'

I should next like to offer into evidence Document Number NO-817 as Prosecution Exhibit Number 368. It is found on page 254 of the document book and is an affidavit by Dr. Otto Gutkunst. It reads as follows:

'I, Dr. Otto Gutkunst, swear, depose and state:

'1. I was born on 7 February 1878 at Harbach a/M.  
From 1884 to 1886 I attended public school at Buttingen and afterwards until 1895 high school there. From 1896 to 1902 I studied medicine at the Universities of Tübingen, Berlin, and Kiel. I passed the medical state examination in 1901-



13 Jan-A-IP-13-Blakley (MSP)  
Court No. I

1902 at Tubingen where I also took the doctor's degree.

Since July 1934 I worked at first as a medical council-  
lor at the mental institution of Winnental. Since 1 Febru-  
ary 1935 I was deputy director of the mental institution of  
Winnental; effective as of 1 May 1935 I was appointed

Court No. 1

director of that institution. I worked as such until November 1945. I joined the SS on 1 May 1933. I was also a member of the Reich League of German Civil Servants, the National Socialist People's Welfare, the NS-Gutherrren Bund, the Reich Colonial Bund, and the League for the Germans Abroad.

"2. By virtue of my knowledge as a psychiatrist and my experience of many years' standing in various psychiatric mental institutions, I am able to make the following statement: As head of the institution in Linzental I became familiar with the euthanasia program; and in February 1940.

"3. From my institution a total of 395 patients were transferred. 24 of them had been transferred shortly before from the institutions of Goppingen, Rottmannstetter and Stetten to Linzental for reasons of camouflage. Among those transferred on 3 June 1940 was also Heinrich Pfeuffer, born 28 June 1886. Pfeuffer, who was born in Graz-Austria, was still an Austrian national on the day of transfer. It is possible that other foreign nationals were among the 24 patients who for reasons of camouflage were transferred to my institution."

R. GEORG PROESSCH, JR.: R. Pfeuffermann, counsel for Viktor Brack. The affidavit which was just read is not contained in my document book; and neither is it contained in the document books of the other defense counsel.

R. ROBINSON: I'm sorry; I did not check the books personally; but I shall obtain that document for the defense counsel. There are only about three hundred pages of the document, if I may be permitted to continue reading it.

THE COURT: The counsel may continue reading the document but will supply copies of the document to the defense counsel at the earliest possible moment.

MR. ROBINSON: Yes. "As I learned from the personnel accompanying the transports, all patients transferred from my institution were brought to the Castle of Grafeneck where euthanasia work was carried out.

"4. I never received an instruction to the effect that foreign nationals were to be exempted from euthanasia.

"5. On the basis of the questionnaires, it was impossible for the experts

Exhibit No. 1

or top experts to form an exact medical opinion on the physical state of the patients or to recognize their nationality."

I should like now to turn to the next document, which is 3867-PS, and offer it as Exhibit Number 369. It is found on page 256 of the document book.

"I, Ernst Ganzer, male nurse at Heil- und Pflegeanstalt, Ansbach, after having been duly sworn, do hereby make the following statement:

"I was employed at the Heil- und Pflegeanstalt, Ansbach (a public institution for the care and treatment of the insane), from 1929 to 1945. From 1929 to 1928 I cared for the patients in the wards; but in 1928 until 1939 I was entrusted with the care of the convalescent patients and gradually became fully employed in the office of the institution. The director of this institution was Dr. Robert Scheuch. In the autumn of 1940 a commission of about thirty persons, consisting of doctors and secretarial staff, visited the institution. I knew and it was general knowledge that these people had been commissioned by the Reich Ministry of the Interior, Berlin, to visit such institutions as ours. I personally announced the arrival of these persons to the director. The commission stayed about three days and, to the best of my knowledge, did not inspect any of the wards. Instead they were allotted a separate room and the case histories of the patients were brought to them and were discussed with the ward doctors. During the time the commission stayed, individual patients were brought to the administrative building of the institution; and it can only be assumed that it was for the purpose of their being inspected by the commission.

"After the commission left, about three months elapsed and then directives were received. These I saw personally. They came in the form of letters from the Reich Ministry of the Interior, the Reichsärztsgesellschaft Heil- und Pflegeanstalt, Berlin, stating that on a certain date sixty to eighty patients whose names were listed alphabetically, were to be moved from the institution. No destination was given. About a week later the institution delivered the patients to the railway station, together with their full case histories and

Court No. 1

inventorized personal effects. They were brought in buses close up to the two coaches, one of which was set aside for the men and the other for the women. As I was on duty in checking the lists of patients and attending to the delivery of their baggage, it is not possible for me to state whether these patients were in a condition to travel; but I do know that some of them had to be carried to the carriages, which were ordinary "personen-wagen" coaches. These were, as far as I can remember, just the two coaches, without a locomotive, located on a siding which was ordinarily used for troop loading and off-loading. It struck me as strange that the "male nurses" who received the patients from the Director of the Institution were silent and gave no direct answers to the questions we put to them of professional interest.

"At the time this transport of patients did not appear suspicious because patients were frequently moved from one institution to another in order to make room for troop casualties.

Even the fact that in this case no destination of the transport was given, so that we could not notify relatives upon inquiry, did not concern us unduly as everyone acted in accordance with orders received. Probably about a month after this first transport left, our suspicions were aroused because communications arrived from relatives of the patients, complaining that they had been moved without their knowledge or consent and that they had since been notified from Schloss Barthel, near Linz, and from another institution in Sonnenstein, in Thuringia, that the patients had died. Official and private inquiries as to the whereabouts of the patients had to be answered by us in a standard letter which I believe was officially prescribed. This contained in effect the following information:

"The Government had no jurisdiction over the movement of these patients. For further information, contact the Geminmetzige Krankentransportgesellschaft, Berlin, who directed the transfer of these patients." (This is as near as I can remember the text of the letter.) In connection with these transports I remember that the name of Dr. r. Schmalebach was frequently mentioned.



I estimate that in all five transports of this kind were sent out from the Heil-und Pflege Anstalt, Ansbach, between the years 1940 and the beginning of 1942. I would like to add that all of our doctors and the entire hospital personnel were firmly opposed to and condemned this action when eventually the truth transpired. (signed) Ernst Gensar.

I should next like to offer into evidence Document Number 3816-PS as Prosecution Exhibit Number 370. This is found on Page 259 of Document Book Number 3 and is an affidavit of Gerhard Schmidt. It reads as follows:

"I, Gerhard Schmidt, Director of Heil-und Pflege Insane Asylum, after having been duly sworn, do hereby make the following statement:

"I was licensed as M.D. by the University of Berlin (1930). In 1935 I became an assistant at the Institute for Legal Medicine in Berlin. I worked in Bavaria since 1937 at the Public Hospital, Munich-Schwabing, and also at the Research Institute for Psychiatry in Munich. Since 1935 I have been familiar with the system of public asylums, mental hospitals, and similar institutions in Germany. I know that public institutions of this kind were under the supervision and control of the provincial administration of the Lander at the district level. All these public institutions were under the supervision and control of the Reich Ministry of the Interior in Berlin at the highest level. The Reich Minister of the Interior was, as I know, Dr. Wilhelm Frick. As Reich Minister of the Interior, he was chief of the medical department of the Reich Ministry of the Interior from 1933 until August 1942 when he became Reich Protector of Bohemia and Moravia.

"After the beginning of the war in 1939 I learned from a colleague, Dr. Limberger, who was in charge of an asylum

in occupied Poland, that it was planned that the inmates of his asylum should be killed. About 1940 I became acquainted for the first time with the fact that inmates of asylums in Germany itself were being killed. I became acquainted with this fact first through an industrialist. A short time later I learned it from my colleagues and from many other people -- it was a so-called open secret that such killings were not

only planned but were actually being carried out. I was advised about these happenings not only by my colleagues but also by relatives of people who had been killed.

'It is typical that, despite the fact that this whole affair was an open secret, a psychiatrist who was in the Institution of Haar-Eglfing, where such things happened, said he could not give any official answer. The organization of mass killings was as follows:

'First, the physicians of mental and similar asylums had to fill out questionnaires, which were sent to a central agency in Berlin. Then the order came back from the central agency in Berlin that the persons listed should be taken out from one asylum and sent to another asylum where they were killed. The killing was done frequently by injections. For these organized mass killings the authorities used different administrative procedures. I can give the following examples for the killing of children:

'The names of newly born children who were deformed or partly paralyzed or mentally deficient were submitted to the health authorities and finally to a Reich agency in Berlin--'s. 9 P.O.B. 101. A short time after the reports were filed, the county health authorities of the respective districts received an order that these children should be sent to a special institution for special modern therapy. I know from hundreds of cases that this 'special modern therapy' was nothing less than the killing of these children--for instance, in the institution of Haar-Eglfing and others.

'I read dozens of such orders which said that this procedure of assignment of such children to institutions was 'in agreement with the Reich Minister of the Interior'.

'Another method of killing so-called 'useless eaters' was to starve them. This was done particularly in a period

13 Jan-A-JP-13-6-Blakley (MSD)  
Court No. I

when, for reasons I do not know, the killing itself was not possible because, possibly, of transportation difficulties from one institution to another.'



"At the end of 1943 a conference took place in the Bavarian Ministry of the Interior which is under the direct supervision of the Reich Ministry of the Interior about the procedure for starving such people to death. In this conference, the directors of the asylums were instructed that 'useless eaters' who could not work very much, should be killed by slow starvation. This method apparently was considered very good, because the victims would appear to have died a 'natural death'. This was a way of camouflaging the killing procedure.

"I know from the files of the institution where I am now a director, that several hundred people were starved to death. In analyzing the whole system of these mass-killings, I can state as a psychiatrist, familiar with such cases, that hundreds of the people killed would have been absolutely able to perform a certain amount of simple work under supervision--among them, according to my knowledge, some people who had brain injuries from the First World War. Among the people who were killed were also aged people who were a little feeble-minded. So far as the children were concerned, they had mainly brain diseases, but not hereditary diseases, except in some very few cases. In any normal society, such children, mentally deficient and aged people, would have been treated and cared for in the proper way and not killed as 'useless eaters'.

Signature: Dr. Gerhardt Schmidt

(Director of Haar Englfing Insane  
Institution)

DR. SERVATIUS: Counsel for Karl Brandt:

Mr. President, I should like to reserve the right to cross examine the witness who made this affidavit.

MR. ROBBINS: I think such a procedure is entirely proper. The defense has a right to make application to the Tribunal for examination of the witness.

THE PRESIDENT: That is right.

MR. ROBBINS: I should like to stress one point of the affidavit, and that is, that not even veterans of the First World War were exempt from the euthanasia program. This corroborates the statement earlier today, and which appears on page 236 of the Document Book, that World War veterans were subject

to the euthanasia program. According to the Nazis to be a soldier is the greatest of all glories, to be a Nazi soldier and to face the dangers on the field of battle, but when the German soldier returned from the battlefield unable to work, he could find himself classified as a useless eater, destined for the euthanasia station.

The next document which I should like to offer in evidence is document No. 3882 PS, as Prosecution Exhibit No. 371, which is found on page 262 of the Document Book No. 3. It is an affidavit by Dr. Joseph Jordans, and reads as follows:

7

"I, Dr. Joseph Jordans, born on 19 March, 1901, living now at Eschendingen, Baden, Romanstrasse 4, make the following statement under oath:

"I am a doctor of medicine and a doctor of law. At present I am the Public Health official of the City of Eschendingen, Baden. From January 1940 until 31 March, 1943, I was a doctor in an adult section of the public asylum in Wiesloch near Heidelberg. There existed in the asylum a section for children as well, in which killing of children were performed during the year 1941. How many children were killed during the year I cannot say. The killings were performed by injection.

"These injections were given by a doctor and nurses, of the so-called National Socialist Nurses Organization, who came for the purpose from Berlin. The orders to perform the killings were issued from the Reich Ministry of the Interior in Berlin. Our Asylum was controlled by the Ministry of the Interior of Baden which was under the supervision of the Ministry of Interior at Berlin. But the commission which came to Wiesloch for this special purpose came on orders from a certain Dr. Lindner, who was an official of the Reich Ministry of the Interior at Berlin.

"The whole manipulation was known to the personnel of the institution. Transports of children came to our asylum from time to time from other institutions. The children who were killed were not all original inmates of our asylum. The children were imbeciles or feeble-minded.

"I myself was transferred from Wiesloch Eschendingen at the end of March 1942 because it became known that I was opposed to the killings. After I left, one of my patients, an adult man, a gypsy, was killed by injections. He was on the list of these persons who were to be shipped out for killing at another asylum, but I saved him four times. Immediately after I left, he was killed according to my wife, who was at that time still at Wiesloch. This man was in no way feeble-minded. In fact, the institute made 200 marks out of him because he was an expert basket maker. His killing was part of the program to kill gypsies.

"After I came to Rhoddingen in March, 1942, I learned from my colleagues that a similar program existed there, though the patients were shipped to the institution at Graveneck to be killed.

/s/ Joseph Jordans."

I should now like to offer in evidence Document 3896 PS, as Prosecution Exhibit No. 373. Since this is partially repetitious of what has already been read I do not propose to read the document in its entirety.

DR SERVATIUS: Counsel for Dr. Karl Brandt:

This document, as far as I can see, was not sworn to. It says underneath it: "read and approved, and then the signature Dr. Ludwig Sprauer, and then the signature of Robert Kerpner, who was counsel for the Prosecution in the



procedure before the International Military Tribunal, after that comes an explanation that it was sworn on the 23rd of April, 1946, by Henry Weinstein. Whether this is an Interpreter or not I cannot say. Maybe the counsel for the Prosecution can clarify that matter.

MR. ROBINSON: May it please the Tribunal, the affidavit at the beginning shows that it is in the nature of an affidavit, since it states: I, Dr. Ludwig Spruner, swear to the following statements, and apparently it was signed before Dr. Kaegner, and sworn to before both Mr. Kaegner and Captain Auchincloss, and Captain Auchincloss, by the way, is an American Officer, who it appears from the prior affidavit on page 262, was a military adjutant or the executive trial counsel of the International Military Tribunal, Mr. Dodd, and it appears at the bottom of the document referred to that he was a Captain in the Judge Advocate General's Department.

MR. SERAFIUS: Mr. President, the document in the original does not tell us any more than the copy does, and I, therefore, object to the submission of this document. In that case, the witness can be called himself. He is an important witness since he held a high position and can make important statements as to how this procedure was actually carried out. It will show itself that a number of actions were run parallel to one another, the euthanasia program according to the decree of the Fuehrer, then the Jewish action, and then the action of the so-called 14 S 13, which was mentioned previously. Apart from that, there was the proceeding of the Reich Executive Council, regarding Jewish children. I think that this witness, since he states that he was frequently in Berlin, would be able to make important statements in that regard, and I think it would be more proper if the witness appears here personally and that this affidavit not be admitted into evidence and not be read. It is not a statement which was

sworn to, rather it was made in view of an oath.

THE PRESIDENT: You will submit the original document to the Tribunal for examination.

(The document is handed to the Tribunal).

MR. ROE INS: May it please the Tribunal, the Prosecution has no objection whatever to defense counsel making application to the Tribunal to call the witness, Dr. Ludwig Spreuer of Nurnberg.

INTERPRETER: Would ask counsel to repeat the statement. It did not come through in German.

MR. ROE INS: May it please the Tribunal, the Prosecution has no objection whatever to defense counsel making application to the Tribunal for bringing the witness to Nurnberg to testify. That is a right given to him under Military Government Ordinance No. 7. However, I cannot see that it has anything to do whatever with the admissibility of the affidavit. Order of Article 104, I believe, or perhaps it is 114 of the Articles of War passed by Congress, gives an Army Officer, who is detailed to make an investigation, the authority to administer oaths, and it appears from the face of the affidavit that the Captain who administered the oath was a member of the armed forces and was a member of the Judge Advocate General's Department.

THE PRESIDENT: The document is probably admissible in evidence and the objection is overruled.

The Tribunal will now recess.

(A short recess was taken.)

(A recess was taken)

THE PRESIDENT: At this time I desire to announce that Tribunal No. 1 will not convene for the further trial of this case until eleven o'clock tomorrow morning.

3. ROSENBERG: May it please the Tribunal, Document 3896-PS reads as follows:

"1. Dr. Eduard Sprauer, born 19 October 1894, now living at Konstanz, Baden, Salzmünswallergasse 2, swear to the following statement:

"I passed my state examination as a doctor in 1907 at Freiburg. From 1919 on I worked as a civil servant. During the past 24 years I worked as a district physician at Stockach, Odenwald, Konstanz. I joined the N.S. D.A.P. in 1933. From 1934 to 1944 I was the highest ranking medical officer in Baden. I had the title of a Ministerial Councillor. My top superior was the Reich Minister of the Interior, Dr. Frick. As Frick's subordinate I frequently - about once in every 2 or 3 months - went to Berlin to take part in conferences, meetings, etc. in the Reich Ministry of the Interior. These conferences took place in the Reich Ministry of the Interior, Unter den Eichen 72-74, later in the Reich Ministry of the Interior, Voss-Strasse. At the occasion of such a stay in Berlin, Ministerial Director Dr. Lindner of the Reich Ministry of the Interior told me that the introduction of a law on Euthanasia was intended. For reasons pertaining to defense policy the incurably mentally ill were to be liquidated in order to make room for healthy people. The institutions thus freed would be required by the SS to accommodate national political educational camps.

"For the carrying out of all these measures, a transport company was founded which worked together with the so-called Reich Committee for Research on Hereditary Susceptibility to Severe Diseases. This Reich company was headed by Ministerial Director Dr. Lindner.

"In the course of these measures, from about 1941 to 1944, thousands of persons were brought from institutions in Baden to institutions such as Badmer, Grafenau, etc. and liquidated there. These deaths were not only confined to the mentally ill. Under the same program, at the instigation of the Reich Ministry of the Interior, old people especially and also young

13 Jan 47- A-15-2-8W- Gross  
Court No. 1

ones, who were ill, began to be set aside.



"Among the people who were killed in the course of this program were not only mentally ill, but people who suffered from arteriosclerosis, tuberculosis, cancer, and other illnesses. It had to do mainly with older people who were put in public institutions and, it is true, at the cost of the State, and who were further cared for in suitable company, naturally at general cost. Those people were brought from public institutions in Baden to Hadamar, Graf-neck and other institutions and there put to death. In what manner they were killed I do not know. In this way, room was made in the institutions, and especially for the Wehrmacht and for the national socialist educational institutions.

"The whole program was camouflaged from inside to out and false death certificates made out.

"In the year 1941 to 1942 I protested energetically twice against the murders. And, it is true, I turned to Frick's deputy, Dr. Conti, who was right in Strassbourg. Conti explained to me at that time that, these were matters concerning the Reich Ministry of the Interior, which had nothing to do with me. I considered this as an order, which I could not count on. The second time I was rejected by Professor Witke in Heidelberg, who was also participating in this program.

"The members of the Reich committee who were acting as part of the program, were frequently composed of SS people. Incidentally, archbishop Groeber also protested against the acts of murder in the institutions, naturally without success, I myself did not get to see this communication, the personal consultant of the Ministry of the Interior of Baden made the reply. Read, approved and signed, Dr. Ludwig Sprauer."

I should next like to offer into evidence Document NO-818 as Prosecution Exhibit Number 373 on page 265 of Document Book III, which is a supplementary affidavit to the one just read.

I, Dr. Ludwig Spreuer, being duly sworn, depose and state:

1. I was born on 19 October 1884, and live at the present time at Constance/Baden, Selmanweilergasse 2.

This affidavit is an addition to the sworn statement which I made in

Munich, on 23 April 1946, which statement is known under Document No. 3895-S.

"2. I heard the name of Prof. Dr. Karl Brandt for the first time at a conference in the middle of 1941 in Berlin. At this conference I learned that Karl Brandt and Philipp Bouhler are the leading figures in the Euthanasia Program. The conference was called by Dr. Linden on behalf of the Department of the Interior and problems of institutions and asylums were submitted. Dr. Linden directed the proceedings.

"3. To the best of my knowledge and belief, Philipp Bouhler as well as Prof. Dr. Karl Brandt were the leading figures in this so-called Euthanasia Program from 1941 to the collapse of Germany.

"4. The connection between the Department of the Interior and Prof. Karl Brandt, in the framework of the Euthanasia Program, was that Karl Brandt gave orders to Conti and Linden, which were passed on by these persons on behalf of the Department of the Interior. Brandt was the dominating figure without doubt.

"5. I am not familiar with any directives whatever which exclude foreigners from the Euthanasia Program."

The next paragraph merely states that the affiant has read the statement and understands it to be true, and that he has said it voluntarily. Signed, Genschen, 19 November 1946, Dr. Springer.

I should next like to offer in evidence Document Number 40-520 as Exemption Exhibit 37A on page 267 of the English document book. It is a letter signed by Schlaich and addressed to the Reich Minister of Justice, Dr. Frank, dated Berlin, 5 September 1940 -- enclosed as, dated Stettin, 5 September, 1940.

"Dear Reich Minister! The measures, which at present are taken in mental patients if all kinds have caused a feeling of a complete lack of confidence in justice among large groups of the people. Without asking their relatives or guardian's consent, such patients are being transferred from these to other institutions, from where then after a short while they receive information, that the person concerned had died of some disease. Considering the abundance of death

Court No. 1

notions, the people are convinced, that these ill people are being done away with.

"Since on 10 and 13 September also from the institution under my direction 75 each of the patients entrusted to me are to be transferred to such an institution, I take the privilege to ask the question: Is it possible that such a measure is carried out, although no pertinent law has been promulgated? Isn't it the duty of every citizen to resist under all circumstances any act not justified by law, even for action by law, even if they are carried out by state agencies?"

"On account of the complete secrecy and camouflage under which the measures are carried out, not only the wildest rumors are created amongst the people, (for example that also people unable to work on account of age or injuries received during the world war have been done away with or are to be done away with) but also the impression, as if a totally arbitrary manner prevailed at the selection of the persons concerned.

"If the state really wants to carry out the extermination of those or at least of some mental patients, shouldn't a law be promulgated, which can be justified before the people, which would give everyone the assurance of careful examination whether he is due to die or entitled to live, and would also give themselves a chance to be heard, in a similar way as provided by the law for the prevention of Hereditarily affected progeny?"

"With regard to the patients entrusted to the care of our institutions in the future I urgently pray to do everything possible to suspend the carrying out of this measure, until a clear legal situation has been established. Heil Hitler, signed Schlaich."

And on the letterhead of "L. Schlaich, Chief of the Institution for Public Wounded and Epileptics." On the bottom of the letter is a note: "A copy of this letter I forwarded with the same mail to the Chief of the Reich Chancellery, Reichminister Dr. Goebbels."

I now offer in evidence Document Number NO-827 as Prosecution Exhibit



Court No. 1

Number 375 on page 269 of the English Document book. This is a letter in the letterhead of the Oberpräsident of Brandenburg Province, Administration of Provincial Association, Potsdam, 25 April 1940, signed by v. Linsin, Governor, and addressed to the Home for Girls, attention Head of Institution or Deputy in Office, Personal.

"Subject: Transfer of inmates of Mental Institutions.

"With reference to the circular O.L.I.-34.101.89/40 of the Reich Commissioner for Defense for the Corps of a III, dated 20 January 1940, which is already known to you and a copy of which is again attached hereto, I instruct you, by the order of the Reich Commissioner for Defense, to have from your institution the patients enumerated in attached list with two copies which are enclosed likewise. The patients will be fetched on 4 May 1940 upon by Messrs of the Patient Transport Corporation who will get in touch with you.

"The transport is to be prepared by the institution moving the patients: restless patients are to be treated preliminarily with proper drugs for transport and over several hours. The patients are to be handled over as far as possible, in their own underwear and clothing and are to be properly sorted so that their identification will be guaranteed. The intimate private items and possibly, the patients' own money is to be handed over, well packed. If there is no private clothing, the institution moving the patients will have to lend underwear and clothing. The Patient Transport Corporation will be responsible for the return of the clothing and underwear which have been put at its disposal as a loan; its list are to be submitted. The personal files and the histories of the patients are to be handed over to the transport leader".

I should next like to refer in evidence Document 9-906 as Prosecution Exhibit Number 376. This is a long document consisting from page 271 to page 296. It was admitted in evidence before the International Military Tribunal, having been presented by the British Prosecutor. The first part of the document, and I should mention that the Document Number 9-906 contains several separate letters or memoranda, is a letter from Linde to Heinrich Söllner, dated Berlin,

31 December 1940, and reads as follows:

'Dear Party Comrade Sellmer: Enclosed herewith I submit to you an incident concerning the affair about which you have been informed by Party Comrade Blandenburg.' Parenthetically I might note that Blandenburg, as the evidence has already shown, was assistant to Brack, and later his successor.... 'about which you have been informed by Party Comrade Blandenburg from the Chancellery of the Fuehrer. As you may see from the presentation of Frau Maria Kahr, she would like to know whether it is possible by virtue of a Reich law to deliver human beings from their incurable sufferings. I ask you to examine if there are any political objections against Kahr, and especially if ecclesiastical ties exist in her case. Should this not be the case, I, for my part, would not raise any objections against your verbal furnishing of the desired disclosures to Kahr, Hell Hitler, Linden.'

There is a handwritten note at the bottom. 'Ortsgruppenleiter Party Comrade Popp is of the opinion that Frau Kahr can be informed; she is quiet and reasonable.' As seen on the face of this letter, that if a person made inquiries to the Reich Minister and if it were determined that there were no political objections against a person, it might be explained to them verbally in case they were quiet and reasonable, just what was taking place.

Turning to page 272, still a part of Document Number D-906, is a file note, signed by Sellmer, dated 1.10.40, and reads as follows:

'Visit from party member Blankenbarg, Berlin. Action during in the near future. So far hardly any mishaps have occurred. 30,000 dispatched. Further 100,000-120,000 are waiting. The circle of those who are initiated is to be kept very small. If necessary the Kreisleiter

is to be notified in good time. Initiate R. Hummel when possible, supply a statement from the Gau. 1) Institutions; 2) Doctor's attitude; 3) Where is the institution situated? 4) Who is the Kreisleiter? The Fuehrer gave the order. The dossier is ready. At present only clear cases, that is 100% ones, are being settled. Later an expansion will take place. From now on notification will be given in more scholastic form. Informed are: Two names follow which are illegible. Signed Sollaer.

The next part of Document Number D-906 is found on page 273 and is a letter from Martin Gormann addressed to the Gauleitung Franconia, dated Berlin, 24.9.40, on the letterhead of the National Socialist German Workers Party, The Fuehrer's Deputy Chief of Staff:

"Your letter of 13 September 1940 was given to me by Party member Hoffmann. The Commission which was working at Neuandettelsau, is under the control of Reichel or Reubler or is acting on his orders.

"The text of the notifications of relatives varies in its composition, as I was once more assured yesterday; it can, however, naturally happen sometimes that two families living close to each other receive similarly worded letters.

"It is natural that the representatives of Christian ideology speak against the Commission's measures; it must be equally natural that all Party Offices should, as much as necessary, support the work of the Commission.

"Heil Hitler."

"M. Gormann."

On the following page, Page 274, still part of Document Number D-906, is an extract from a report by the Kreisleitung of Erlangen, as can be seen from the original document. It reads as follows:

"2. Elimination of mentally deranged:

"On orders from the Ministry of the Interior, signed Schultz or Schultze, a commission, consisting, among others, of a North German doctor and a number of students, appeared some time ago at the local sanatorium and nursing home. It examined the charts of the patients of the institution. Some time later the director of the institution was informed that a certain number of patients were to be transferred to another institution on orders from the Reich Defence Commissar, that a Berlin Transport Company was to carry out the transfer and that the head of the institution was to follow the directives of this company which was in possession of a list of names. In this way three transports with a total of



370 patients have been transferred in the meantime to Sonnenstein near Pirna and to the Linz district. A further transport is to leave in January of next year. In the beginning the head of the institution did not know at all where the transports went and he ignores it even now officially. He received no information on the subject from anybody. He merely had instructions to reply to the inquiries of the patients' relatives that the new institution would get in touch with them and inform them of their admission. Strangely enough, various relatives received notification after the transfer that their patients had died. In some cases pneumonia and in others an infectious disease were given as the cause of death. At the same time, the relatives were further informed that it had been necessary to cremate the body and that, if they were interested, they could have the clothing of the deceased sent to them. The registry office of Erlangen was also informed by the institution of the various cases of death, and again either pneumonia or an infectious disease was given as the cause of death--illnesses which had no connection with the previous medical history, so that it is to be assumed that we are confronted with false statements. The population is terribly disturbed about the transfer of patients, because they connect it with the cases of death which are becoming known in rapid succession. They speak, partly openly, partly in secret, about an elimination of patients for which there is no local foundation. In these war times such unrest among the population has a doubly unfavorable effect. Moreover, the events described above give the church and religious circles cause to revive their attitude against National Socialism."

A handwritten note at the bottom of the report reads as follows:

"Original extract from the situation report of the Kreisleitung of Erlangen of the 26.11.40. A copy was not made...."

The next part of Document Number D-906 is found in the middle of Page 275 and is an extract of a report of the Kreisleiter of Ansbach, as is shown from the original, and reads as follows:

"30. Miscellaneous...."

Then follows a paragraph on price policy, which I shall not read. Then follows the paragraph on mental institutions, reading as follows:

"Mental Institutions:

"The removal of patients of mental institutions to other districts could naturally not remain hidden from the public.

"It also appears that the established commissions work too hastily, are not always lucky, and that several mistakes occurred. Nor can one prevent individual cases from becoming known and spoken about.

"The following cases should naturally not have occurred:

- "1. Through an oversight one family received two urns.
- "2. One notification of death indicated appendicitis as the cause of death. The appendix, however, had already been removed ten years previously."

Still reading from the report of the Kreisleiter at Ansbach, saying the following cases should not have occurred, he lists as:

"3. Another cause of death quoted was a disease of the spinal cord. Relatives of the family had visited the patient, then in perfect physical health, only eight days before.

"One family received a notification of death, although the woman still lives in the institution today and enjoys perfect physical health.

"Some time ago, an obituary notice was inserted in the local

"Frankische Zeitung" by the relatives: '\_\_\_\_\_ has been taken away from us by a tragic fate.'"

These are the things that the Kreisleiter of Ansbach says should never have happened in the Euthanasia program.

"With these highly delicate measures....."

the report continues.

"It is difficult to make suggestions as to how to counter a further spreading of facts or rumors arising from them as well as completely invented rumors. It would be necessary, at least for the Kreisleiters, to receive confidential information about the measures themselves.

yes. In addition, the competent Kreisleiter should also be notified at the same time as the relatives, in order to enable him to observe the effect on the relatives, to watch their behavior, and, if necessary, intervene in a suitable manner."

"Heil Hitler!"

"(signature illegible)"

The following is an excerpt from the second page of a letter, as shown by the original document, from E. Wals, Kreisleiter. The translation unfortunately, starts in the middle of a sentence. However, the original document is complete:

"families were refusing to send their sick to institutions as they did not know whether they would get them back alive. The district physician in Nurnberg had informed him that in the city of Nurnberg, 3 charges for murder had been referred by the relatives of such sick persons.

"The Party has not received any complaints or accusations of this sort, up to now."

"Heil Hitler!"

(signature) "E. Wals, Kreisleiter."

The next part of the Document D-906 which I should like to refer to, is that contained on page 277, which is a letter dated 5 March 1941, which I will not read and at the bottom of page 277 is a file note which I shall not take time to read. Turning to page 278 I should like to read the letter appearing on that page, still a part of Document D-906, from Sellner, Chief of the Gen Staff Office, addressed to Sturmbannfuhrer Freidrich, Nurnberg:

"Subject: Threat of the population of Ahaberg owing to the conspicuous evacuation of the inmates of the Ottilienheim.

"As I have already informed you by telephone, the evacuation of further inmates of the Ottilienheim has caused much unpleasantness. I enclose herewith for your information the comprehensive report of



the Kreisleiter, party member Geistner, and I will inform you in due course of further inquiries to take place. I have just received a telephone message from the Ortsgruppenleiter of the NSDAP in Absberg, Party member Kirchhof, who is employed as foreman in the Muna Langlan and also lives there, about an incident which has disturbed the population in Absberg to an exceptional degree. In Absberg, which is part of the area of the former Kreisleitung of Gunzenhausen, the Abbey of Ottilienheim is situated in the middle of the market place. In this Ottilienheim were housed a few hundred mentally defective people who, as far as they were fit for any work, were employed on the farm of the Ottilienheim. These mentally defective persons were originally sent there by the various Country Welfare Organizations. Already last year 25 inmates were removed in the course of the well known measures. Of these, 24 died while 1 inmate was again brought back to the Ottilienheim. This was allegedly a case of inmates for whom the Country Welfare Organization of Swabia had to provide."

And then comes the interesting part of the letter:

"Last Friday the inmates of the Ottilienheim for whose cost the Country Welfare Organization of Upper Franconia and Middle Franconia had assumed the responsibility, were taken away in two large cars. The removal was carried out under the direction of a professor from Erlangen by the personnel of that institution. The people were taken away in the most conspicuous manner imaginable. Instead of the buses entering the courtyard to pick up the inmates who were to be removed, the vehicles were stationed outside the Ottilienheim in the middle of the market place. The inmates of the Ottilienheim to be removed who had been thoroughly stirred up, had to be taken to the vehicles one by one and by the use of force. The whole population of Absberg, which is strictly Catholic, had congregated and watched the incident, crying loudly. That certain circles made appropriate psychological use of this incident cannot be regarded as a surprise. Party member Kirchhof reported that there were even party members among these weeping onlookers and that, in the general excitement of the people, certain remarks were made which must be regarded as irresponsible. It goes without saying that the pastor of the Ottilienheim himself helped to create the



appropriate atmosphere by having the people who were to be removed brought to the Abbey church for confession and communion in the morning and having them practically carried to the altar with the help of the nuns.

"I shall now make detailed inquiries about the incident through the Landrat. I consider it necessary, however, to advise the competent authorities to use somewhat more tact in the removal of these persons who just have to be eliminated as a Reich defense measure, as it is not necessary to create unnecessary difficulties and play into the hands of our opponents. As soon as I receive the report, I shall pass it to the Gaustabsamt (Gau Staff Office)."

"Heil Hitler,

signed by "Sellner"

The next letter, on page 280, still a part of the same document, D-906, is a letter with the subject heading: "Incidents on the occasion of the latest removal of mentally defective persons from the Ottilienheim Abbey" signed by Kirchhof, referred to in the previous letter, and dated 25 February 1941, reading as follows:

"To the Kreisleitung of the NSDAP, Weissenburg.

"With reference to the telephone conversation mentioned above, the desired report about the recent incidents in Abbey a few days ago is enclosed herewith for your information.

"We would like to request you not to pass on the original of this report to the Gendarmerie Officer Pfister in Abbey for eventual examination of the participating spectators, as the Ortsgruppe fears that Pfister, who is judged and regarded as strongly Catholic by us, may not take effective steps against his own fellow believers in this matter.

"The local Ortsgruppe itself, however, is of the opinion that the Ottilienheim will serve a much more useful purpose if it is cleared of its present inmates and placed at the disposal of the State as a military hospital or some other institution of military use."

"Heil Hitler!

(signature) "Kirchhof"

13 Jan 47-A - 17-7 - LJJ - Lesser

The next following document is the report contained in Kirchhoff's letter and is one of the most remarkable documents that I have seen. It is a confidential report on the removal from Erlangen of the inmates of the asylum and it shows between the lines more eloquently than words the subjugation and the terror and the fear in which people lived under the Nazi regime. Obviously, Kirchhoff, the writer of this letter, lived in such mortal fear. The report contained in the previous letter reads as follows:

"In the course of last Friday, 21 February 1941, a bus from Erlangen took 57 inmates of the Ottilienheim Asylum away in two parties, allegedly for an examination at the clinic at Erlangen. In the bus itself there were a doctor and three nurses who loaded these people on to the bus and supervised each transport.

"A great number of spectators congregated each time these people were put on the bus and it is reported that the loading did not take place in the courtyard but in front of the gate. The wildest scenes imaginable are reported to have taken place then, as some of these people did not board the bus voluntarily and were therefore forced to do so by the accompanying personnel.

"There were people who....."

Parenthetically, these people who fought not to be taken on the bus to the Euthanasia Station,

".....were imbeciles and feeble minded and were said to have other epileptic illnesses as well, and whose upkeep the state and other Public

Bodies have so far had to be provided for either completely, or at least for the greater part.

"I was able to learn in this connection that the Country Organization of Swabia fetched eight such persons back last autumn, and that seven of these were said to have died very shortly afterwards of influenza and low blood pressure, which set in. Only one person returned to the Ottilienheim in Absberg.

"This matter gradually became known to Absberg, and as a result a great crowd of people gathered also on the occasion of that last action who, I have heard, allowed themselves to pass remarks against the National Socialist State. I was unfortunately unable to find out the names of the spectators concerned, as all spectators who had taken part showed great reticence towards me about this matter during my investigation.

"These incidents during this action, which is, after all, necessary, are to be considered all the more because even Party members themselves did not shrink from joining in the lamentations of the other weeping spectators. The fact that a certain group of the spectators concerned gave expression to their former convictions

and did not refrain from minimizing and criticising the great necessity of the measures taken and introduced in the course of Raich defense, was only to be expected from these people.

'It is said that a section of these people even went so far as to formulate and disseminate more or less the following assertion. 'The State must be in a bad way now, or it could not happen that these poor people should simply be sent to their death solely in order that the means which until now have been used for the upkeep of these people are made available for the prosecution of the 'war'. This view originates predominately from the Catholic population of Absberg.

'It is even said that those poor victims - as they are regarded by the clergy and the religious inhabitants of Absberg - were taken to the Catholic church for confession and communion shortly before their departure. It seems absolutely ridiculous to attempt to absolve by an oral confession the possible sins of people, some of whom completely lack all mental powers.

'Although of the 57 people that were fetched away, there were some that had been employed by the Ottlilienheim in the kitchen and in agriculture and, as it happens, could only carry out these tasks under supervision, the measures taken can, for that reason too, not be understood by the population. As this measure is gradually becoming known now, yesterday already 7 such people were taken back by relatives into their households, so that they allegedly could no longer be included in the action. To be added to this is the fact that about 14 days eight strangers thoroughly inspected the Ottlilienheim and made notes as to the size of the rooms, etc. Because of all these reasons,



the population of Absberg now fears that the Ottilienheim may possibly be evacuated and made available for other purposes. ' dated 24th February, 1941, signed Kirchhof.

On the following page appears another report on the same incident, which I will not read. The same is true of page 286, still a part of the British Document D-906, also page 287. On page 286 appears a letter, signed by the Kreisleiter of Gaukreisung Franconia

dated March 7, 1941, which reads as follows:

"Regarding: Removal of inmates of the Bruckberg institution.

"The Ortsgruppenleiter of the Bruckberg Ortsgruppe, Party member Rauschel, makes the following report:

"The news of the removal of some of the inmates of the Bruckberg Institution has caused the greatest unrest among the population of Bruckberg, unrest which was further increased by the fact that some of the inmates to be removed, namely, those who in the opinion of the inhabitants are still in their right minds, came into nearly every house to say good-bye. One could almost be led to believe that it is a question here of a farewell carried out on orders, but I am informed from reliable sources that the inmates felt of their own accord that it was their duty to say goodbye, and that probably one imitated the others. Apart from the fact that one recognizes clearly in these cases how far the ordinary German is receptive to the solution of this question to hereditary disease, I asked before for my own opinion for weeks from all sides and what attitude the Party takes in this matter.

"Ortsgruppenleiter Rauschel is furthermore of the opinion that he should speak about the removal of the inmates, if possible at the next meeting of Party members, in order to give the facts and above all to squash the rumors that have arisen to the effect that the inmates would very soon be put out of the way, done away with or poisoned.

"I, however, am of the opinion that it is better now as before not to talk about this matter at all and I ask you to notify me accordingly if you hold different views.

"As I evaluate the situation, a certain amount of unrest will naturally continue to arise, which will be

especially fostered by attacks, the sooner will calm be restored here too. Heil Hitler, (signed) the Kreisleiter.

The next part of document 906, appearing on pages 290 and 291, I will omit reading. On page 292 appears a letter signed by Dr. Schumann and addressed to the attention of Professor Heyde, reading as follows:

'Dear Professor Heyds: Enclosed I submit to you a relative whose two sisters have died at our place.

'I ask for information, whether in this case the writer is to be brought here for a discussion, or whether as usual the necessary presentation is to be used especially in explaining that the death of the two sisters occurred in a natural way.

'We have sent a copy of this letter to Dr. Hefelmann because he is interested in such letters and since he considered particularly to give reasonable hints in the letters to the relatives. 'Heil Hitler,' (signed) Dr. Schumann.

Page 294 is near the end of Document D-906, however, since it is a repetition of what was given before, I will omit reading it.

On page 295, I offer as evidence Document 660, as presentation Exhibit 377. This document is a secret letter signed by Schlarf, regarding mental institutions. The nature of the letter is of such a secret nature that even the names of the addressees do not appear on the letter.

The following is for your personal information. Please destroy this sheet afterwards.

For sometimes, the inmates of mental institutions are visited by a commission which functions upon the order of some very high office. The commission has the order to find out which inmates should be selected for transport to certain other institutions. The commission bases its decision on the records of the institution. The patients who are then transferred are examined again in the institution designated by the commission and then the decision is made whether they should be freed from their sufferings.

The dead body itself is to be cremated and the ashes



13 Jan-A-18-3-Meehan (MED)  
Court No. I

are placed at the disposal of the relatives. Small mistakes in notifying are naturally always liable to occur, and in the future it will not be possible to avoid them either. The commission itself is anxious to avoid all mistakes. I could give you farther information but I would like to abstain from it and beg you to look me up when

Court No. 1

you visit the Gauleitung.

"I believe that we as National-Socialists can welcome this action, which is for the affected individual extraordinarily serious.

I beg you therefore, to oppose all rumors and grumblings with the necessary emphasis by presenting our point of view in regard to these matters."

The next document, which I should like to offer into evidence, is No. 665, Prosecution Exhibit 378 and it appears on page 296 of the Document Book No. 3. I will not read the entire document, but only the last paragraph. It is signed by Kreisleiter Gerstner and dated February 24, 1941. On the letter-head is two NSRs, Nuremberg. The last paragraph reads as follows:

"I shall now have detailed investigations made by the Landrat with regard to this incident," the incident being the removal of the inmates from the Outlier home, "but it also seems necessary to me to draw the attention of the responsible authorities to the fact that somehow more that should be used in the removal of such people who are to be done away with in the course of the Reich Defense, as it is not necessary to create unnecessary difficulties and to play into the hands of our opponents. As soon as I shall have the report, I shall transmit it to the Gen Staff Office."

The next document, which I should like to offer, is No. 781 as Prosecution Exhibit 379, appearing on page 299. I will omit reading this document as it describes generally the euthanasia program and is a repetition of what already has been read.

The same is true of document No. 781, which I would like to offer as Prosecution Exhibit No. 379, appearing on page 302.

The last document in the Document Book No. 3 is No. 781. I should only like to read the last page in the document book, which is page 303. It is a letter signed by Blankenburg, marked "confidential", to the Gauleitung, Frankfurt of the NSR, dated 8 March 1941. The reads as follows:

"For special reasons I request you to submit a complete list of all workhouses and other institutions within your Gau which serve as shelters for

Court No. 1

social and anti-social elements.

At the same time I request information as to who is in charge of operating the institution in question and how many inmates are sheltered there.

"Since the composition of the groups of inmates varies quite extensively, according to previous experience, I should also like to receive information on that subject, if possible. I place special emphasis on learning whether, due to the lack of other housing facilities - which I know to be the case in individual institutions - incurable cases of insanity as well as idiots are also kept there.

"Please send me the list within 4 weeks.

Hell Hitler!"

Signed "Blankenburg."

This completes the presentation of Document Book No. 14, and if the Tribunal please, we have a witness to put on, and since it is nearly time to adjourn, I suggest we wait until morning to examine the witness.

MR. PROSECUTOR: Mr. President, I. Froeschman for the defendant Brack. At the conclusion of the reading of Document C-906, the prosecution has read a letter from Dr. Schumann to Heyde, which was not contained in the Document Book. This appears of importance for the defense, and I request the prosecution see that we be given this document. I would also be grateful to the prosecution if in presenting the individual document, they would also state the page in the German Document Book, because the series in the German Document Book vary considerably from the page numbers in the English Document Book.

MR. ROBINSON: We will obtain the Schumann letter for defense counsel, and I am sorry it was omitted from the book. We will also see if it is not possible at the same time to see that the English pages referred to are referred to in the German Document Book.

THE COURT: The suggestion of the defense seems most reasonable. I hope the prosecution will comply with the request if possible.

When did you expect to call your witness?

Court No. 1

MR. ROBBINS: We would prefer to wait until the first thing in the morning.

THE PRESIDENT: You are advised that Tribunal No.1 will recess until 11 o'clock tomorrow morning. The tribunal will recess until that hour.



CORRECTED COPY

Official Transcript of the American Military  
Tribunal in the matter of the United States  
of America against Karl Brandt, et al,  
defendants, sitting at Nuernberg, Germany, on  
14 January 1947, 0930, Justice Seals presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal I.  
Military Tribunal I is now in session. God save the United States of  
America and this Honorable Tribunal. There will be order in the court-  
room.

THE PRESIDENT: Mr. Marshal, ascertain if the defendants are present  
in the courtroom.

THE MARSHAL: May it please Your Honor, all the defendants are  
present in the courtroom.

THE PRESIDENT: The Secretary General will note for the record  
the presence of all the defendants in the court.

The prosecution may proceed.

MR. HARRY: May it please the Tribunal, during the examination of  
the witness Kogon reference was made to a man named Ferdinand Roemhild,  
who was secretary in the hospital barracks at Buchenwald. Kogon stated  
that that man might more specifically testify as to some of the activi-  
ties within the hospital barracks. The prosecution respectfully requests  
that the witness Ferdinand Roemhild be called to the stand at this time.

THE PRESIDENT: The Marshal will summon the witness Ferdinand  
Roemhild.

(FERDINAND ROEMHILD, a witness, took the stand and testified as  
follows.)

BY JUDGE SEERING:

Q. Will you raise your right hand and be sworn. Repeat after me:  
I swear to God, the Almighty and Omiscient, that I will speak the pure  
truth and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: The witness will be seated.

DIRECT EXAMINATION

BY MR. HARDY:

Q Witness, your name is Ferdinand Reuchill?

A Yes.

Q You were born on 11 April 1903?

A 1903.

Q Where were you born, witness?

A Frankfurt am Main.

Q You are a citizen of Germany?

A Yes.

Q What is your present address?

A Habel Strasse 15.

Q Witness, what is your educational background?

A I went to a high school. Then I studied for a few years in Frankfurt on the Main and I later became a merchant.

Q When did you complete your education?

A In the year of 1925.

Q After 1925 your occupation was that of a merchant, witness?

A Yes, for sometime I was unemployed.

Q After the completion of your education and until your arrest in March, 1935, what was your employment? What did you engage in during that time?

A I didn't quite understand the German translation.

Q Would you kindly outline for us, witness, what your employment was between the dates of the completion of your education and until March 1935?

A For some time I worked as a correspondent and then I worked until 1934 in my own business, together with a friend of mine.

Q Did you ever become associated with the German Communist Party?

A Ever since December of 1934 I worked with the illegal Communist Party and spread illegal leaflets.

Q In other words, witness, you were engaged in political activities which were construed to be anti-Nazi?

A Yes.

Q And for that reason were you placed under arrest?

A On March 20, 1935, I was arrested and was indicted because of preparing to commit treason. In November, 1935 I was sentenced to three years penitentiary, a sentence which I served until March, 1938 in the penitentiary of Kassel. After serving this sentence I was sent to the concentration camp of Buchenwald where I remained ever since April 2, 1938, until my liberation on April 11, 1945.

Q Then you were an inmate of the Buchenwald Concentration Camp for a period of approximately seven years, is that correct, witness?

A Yes, for about seven years.

Q Now, prior to your arrest in 1935 were you ever arrested or in the custody of the police?

A No this was my first sentence.

Q Now, returning to the Buchenwald Concentration Camp, what was your first duty in the camp?

A At first I did physical work in the camp of Buchenwald. I went to the quarry, and then was put on various difficult tasks until finally, in the year of 1939, after having worked in the office for some time and in the photographic department of the camp, I became a clerk in the hospital of the concentration camp.

Q When did you become a clerk in the hospital barracks of the concentration camp?

A In the summer of 1939.

Q Were your duties there as clerk solely of an administrative nature?

A At first I was active as a clerk in the First Aid Department and then later on was sent to the so-called administrative office where I had dealings with registrations, etc., and also for some years I had to take care of the monies belonging to the inmates.

Q Now, witness, in the spring of 1940, approximately one year after you were assigned to duty in the hospital barracks, did you become the first clerk in the camp... in the first camp physician's office?

A The first clerk - yes, I became that in the summer of 1940.

Q Then were you assigned to duty as a subordinate clerk in the first camp physician's office in 1940?



A. The German translation isn't coming through very well.

Q. I repeat, witness. Differentiating between your duties as a clerk in the hospital barracks, were you in 1940 assigned as a clerk in the office of the first camp physician?

A. The year of 1943, yes.

Q. Now, in your duties in the camp as a clerk was Dr. Heven assigned there to duty?

A. For some weeks I worked for Dr. Heven who then, at the beginning of September or the end of August of 1939, was arrested.

Q. Now, witness, who was the first camp physician in 1940?

A. In 1940, it was Dr. Bliess, and after that, Dr. Koeblich. Some time later Dr. Pogatsch came to us. As far as I remember it was only then that Dr. Heven came to us.

Q. Was Dr. Heven assistant under any of the three doctors you have just named?

A. Dr. Lehn was at first the second camp physician and then later became the first camp physician.

Q. When did Dr. Heven become the first camp physician?

A. That probably was in the spring of 1941.

Q. And you continued to work in the office under Heven, is that correct, and became his private secretary in the summer of 1943?

A. Yes. Until August, 1943 I was clerk in the administrative office and then I became his secretary.

Q. Summing up then, witness, you were assigned to the camp hospital for a period of six years. That is, from the spring of 1939 until the liberation in 1945. Is that correct?

A. Yes.

Q. In your duties as a clerk and as secretary were you in a position to read classified correspondence and reports?

A. Yes.

Q. I assume, witness, that you know Dr. Heven very well?

A I believe to know him rather well.

Q Witness, at this time will you please step down from the witness box and go over to the defendants' dock and point to the man you know to be Dr. Heyon?

A Yes. He is in the last row.

Q What is his location?

A The fifth man in the last row.

MR. EMMY: I respectfully request, Your Honor, that the records show that the witness identified the defendant Heyon properly.

THE PRESIDENT: From which end of the line is Dr. Heyon the fifth man? From your right or from the left?

WITNESS: From the right - the fifth man in the last row.

THE PRESIDENT: The record will show that the witness correctly identified the defendant Heyon.

MR. EMMY: Did Heyon wear a SS uniform while in the camp?

A Yes.

Q What was his rank?

A At the end he was Hauptsturmfuhrer.

Q Due to your position and your association with other inmates and from general knowledge about the camp do you know anything about medical experiments conducted at the Buchenwald concentration camp?

A I only know about the so-called typhus experiments which were carried through in Block 16.

Q Do you know the name Dr. Ding-Schuler?

A Yes.

Q Was Dr. Ding-Schuler the commanding officer of the typhus station?

A Yes, yes.

Q In this position as commanding officer of the typhus station was Dr. Heyon the deputy to Dr. Ding-Schuler?

A He was at least the collaborator and probably representative while the latter was absent.

Q Dr. Reichold, did Dr. Kohn participate in the selection of inmates to be subjected to the experiments in the typhus station?

A Yes.

Q Would you kindly tell the Tribunal how these selections were made?

A Whenever a series of experiments was intended a certain number of inmates were requested. The selection then followed by using the card index system which we had in our administrative office. The men were then ordered to appear and were brought to the block.

Q Now, did the defendant Kohn ever strike anyone off the list of those to be transferred to Block 46 because of the influence of the political prisoners?

A Certainly. They were mostly so-called criminal inmates and homosexuals. In only very rare cases were there any political prisoners among them.

Q Were any of the inmates used in the experiments volunteers?

A You can hardly speak about volunteers in a case like that.

Q Were any of these inmates used pardoned after successfully undergoing such experiments?

A No, I can't remember any such case.

Q Were the inmates used all healthy persons?

A They had to be healthy. Otherwise they wouldn't have stood up to the experiments.

Q Were the inmates used in these experiments, witness, all nationalities?

A They were mostly Germans since members of foreign nations were always considered as political inmates.

Q. In the course of these experiments conducted at 46 can you estimate how many victims died as a result of the experiments? That is, all the experiments.

A. It is very hard to estimate the number but I would say that it reached the number of three hundred.

Q. Now, witness, after the inmates had been sent to Block 46 for experimental purposes and if an inmate died, were records then kept as to the cause of his death?

A. Yes, then a death report was made and the cause of death was always designated as something different - not always typhus.

Q. In other words, most of the death certificates stated that the inmate died of natural causes. Would that be a correct assumption?

A. Certainly.

Q. Witness, are you familiar with the term "Action 14 F 13"?

A. Yes.

Q. Will you kindly tell the Tribunal what "Action 14 F 13" was?

A. I heard about this action by way of writing only later after I received insight into the secret files. In the summer of 1941 there appeared in Buchenwald a delegation which presumably came from the Reich Criminal Office in Berlin and which selected the inmates, especially criminals who committed sexual violations, but among them were political inmates. These persons were selected - they used very cynical remarks while selecting them - and then at the end of 1941 - the summer of 1941 - were sent to <sup>be</sup> <sup>ed</sup> transport to an unknown destination. A very few hours after their departure their personal belongings came back - among them tooth - so that we were quite sure that these inmates were dead. From a conversation between some of the camp leaders in the room where their personal belongings were, a conversation which one of the inmates heard, these persons were killed by way of gas. A



second such transport, which was assembled in November, 1941, contained a large number of political inmates. At that time it was almost thanks to Dr. Heven that this transport didn't actually leave. Dr. Heven at that time was under the influence of the political circles in the camp. In the autumn of 1941 an investigation was conducted on all Jews by the camp physician and they were examined. Those that were unfit for labor were sorted out. We didn't know for what purpose this examination was carried through. We may have thought that these people who were unfit for labor would receive lesser tasks to do.

The list of these Jews unfit for work was sent to the political department and, in the spring of 1942, there followed three or four transports and they were sent away. Their personal belongings and their teeth were sent back and we were certain that these people went the same way as the others. I learned, from correspondence which I saw later, that we were there concerned with an action which was conducted in Bernburg, and where a certain Dr. Eberl was particularly active.

The murdered persons were later reported by Buchenwald as later having died a natural death. I myself saw copies of these death reports. I think this concerned an amount of six hundred men.

Q. Were all the physical examinations of these Jews made by Dr. Hoven and his assistant, in order to determine their capacity for work?

A. I don't understand your question.

Q. Did Dr. Hoven examine those Jews that were later sent to Bernburg?

A. Yes; all Jews who were in the camp were examined to see whether they were fit for work or not.

Q. And they were examined by Dr. Hoven or his assistants?

A. Yes; they were examined by both of the camp physicians.

Q. And, as a result of these physical examinations, do I understand you to say that lists were made up by Hoven which contained substantially the names of all those who later were sent to Bernburg for extermination?

A. Yes.

Q. In the same instances, witness, didn't Hoven remove the names of some of the inmates from the list if so requested by the illegal camp management?

A. Whenever the leading political circles of the camp expressed any wish of that kind and communicated it to Dr. Hoven, Dr. Hoven usually complied with their wishes.

Q. However, witness, you say that, regardless of the interference with the political prisoners, about six hundred Jews were transferred to Bernburg for extermination; is that correct?

A. Yes

Q. You say that, after they left in some transports for Bernburg, their clothing, personal effects, false teeth and so forth, were returned to Buchenwald; is that right?

A. I don't quite understand your question.

Q. After the inmates were transferred to Bernburg for extermination, their personal effects were returned to Buchenwald?

A. Yes.

Q. Were gold teeth and false limbs included in these effects that were returned to Buchenwald?

A. These personal belongings went to a room and I don't know what happened to them. The gold, I'm sure, was then sent to Berlin.

Q. And you say, witness, that the hospital records show that these Jews died of natural causes in the camp itself?

A. That is the way they were reported to have died.

Q. What was the nationality of the Jews?

A. They were Jews belonging to every nationality; mostly Germans, Austrians and Poles, and there were some Czechs among them too.

Q. How many of these Jews were deathly ill, witness?

A. Most of these prisoners were not in the hospital as sick persons. The last transport contained a total of 15 or 20 people, and you could not say that these people were deathly ill.

Q. Do you know of any cases, witness, of the extermination of inmates suffering with tuberculosis?

A. Yes; in the year of 1941, there was a large scale action. We had received a so-called "invalid" transport from Dachau, and the camp was full of these people. Then, in about July 1941, an action started which was conducted mostly by Dr. Eisen. Those inmates who, it was concluded, were afflicted with tuberculosis, were accepted for treatment in the hospital whenever they reported for treatment, and then killed by injections of evipan.

Q. Witness, approximately how many were killed with these injections in the tuberculosis action.

A. I cannot give you the exact number, but there were approximately 50 people.

Q. Can you estimate, from your observations, how many of these people were innately ill from tuberculosis?

A. No doubt the percentage of the tuberculosis-sick was very high in the camp, but the largest amount of these people were only undernourished and, in better living conditions, could have been saved without any doubt.

Q. Witness, this Dr. Eisen, who worked on this extermination of tubercular cases, -- was he a subordinate of Dr. Hoven?

A. As I know, Dr. Hoven at that time was the first camp physician. Dr. Eisen was always the second camp physician.

Q. Witness, going back for a moment, to the transfer of inmates as a result of the work of this commission or delegation from Berlin, the first transport that left in the summer of 1941, will you tell us what was the nationality of the people included in that transport?

A. You mean the first transport?

Q. That's right.

A. At that time there were only Germans. I cannot remember having seen a foreigner among them. We were then not concerned with Jews. We had the impression that a new gas was tried out in that case, and that, for that purpose, persons were selected whom they wanted to eliminate -- mostly social criminals.

Q. Now, witness, did Dr. Hoven ever personally kill any inmates in the hospital barrack?

A. Yes.

Q. In connection with Dr. Hoven's killings, did he kill inmates who were, supposedly, unable to live much longer?

A. Yes.

Q. In what manner did he kill these sick inmates?

A. By way of injections.

Q. Were any of these inmates suffering from an incurable disease?

A. Probably only a small part of them, and I'm sure that most people could have been saved under more favorable conditions.

Q. Were these inmates laborers, mostly suffering from malnutrition and exhaustion?



A. Yes; most of them.

Q. How did Hoven get them, in order to kill them?

A. Either these persons were treated at a hospital for some time, or they reported for treatment, or else they were found in a state of collapse and brought to us.

Q. Then, I take it, witness, that the hospital was in a very crowded condition at that time?

A. The hospital was always overcrowded. The furnishing of the hospital was insufficient, considering the amount of patients we had to treat.

Q. Then, witness, would you say that inmates reported to Hoven for treatment, and instead of administering medical treatment, they were killed?

A. That happened in many cases.

Q. How many, approximately, were killed by Hoven with this procedure?

A. That is hard to say. It is very hard to define an exact number, since this extends over a period of two years. However, you can estimate that a figure of a thousand would not be too low.

Q. What was the nationality of the victims killed by Hoven?

A. Every nationality.

Q. Now, witness, in connection with this procedure, did the illegal camp management have anything to do with this work on the part of Hoven?

A. Certainly. In the year of 1942, there was a violent fight in the camp between the so-called "greens" and "reds"; that is, the criminal and political inmates. During the course of these fights, Dr. Hoven was influenced by the political inmates, and he had to give them his support. A number of criminal inmates were then eliminated in this manner, and lost their lives. No doubt, it would have been very bad for the time if Dr. Hoven had not supported these political powers in the camp, and I do not believe that the camp would have been in a position to save another 20,000 people, if the criminal inmates would have assumed power at that time.

Q. Now, witness, I don't believe you understood my last question. In connection with Hoven's killing the people who were suffering from exhaustion and malnutrition, did the illegal camp management have any connection with that particular procedure?

A. The illegal management had nothing to do with that.

Q. In other words, witness, the 1,000 or more inmates who were sick and needed medical treatment, and who were ready to be killed by Hoven, on the initiative of Hoven, with no requests from the political prisoners or the illegal camp management; is that right?

A. Yes; certainly. The political camp management had no interest in seeing to it that these people should die. In the cases where valuable people were among them, people who were well known, it was always possible to see to it that Dr. Hoven saved them, but there really wasn't a possibility to care for the mass of these human beings.

Q. Now, witness, did Hoven, in connection with this fight between the "reds" and the "greens", ever kill so-called "traitors" at the request of the illegal camp management?

A. By request, is perhaps the wrong expression, but he was so much under the influence of the political powers in the camp, that those persons who were dangerous for the camp, the so-called "spies", had to be eliminated by him.

Q. Did Hoven ever kill inmates by order of the Camp Commander?

A. I assume so.

Q. Did you know a man by the name of Gavrilovitch?

A. Yes.

Q. Will you tell the Tribunal about the case of Gavrilovitch?

A. Gavrilovitch was a Polish inmate, who came from Auschwitz with a Polish transport, and who said that he was a specialist on typhus. But we saw later that this man was lying, and it would have resulted in a shame for the camp physicians and the other physicians there, if this man was ever used there as a typhus specialist. Dr. Hoven was very bitter about it, and therefore mistreated that man, so that, according to my knowledge, Gavrilovitch died, a short period thereafter.

Q. Now, witness, how many inmates were killed by Hoven, or by order of Hoven, in the camp; that is, including all the incidents we have covered this morning?

A. That is a question which I cannot answer exactly.

Q. Would you say that a moderate figure would be two or three thousand people?

A. It is possible that such a number was actually reached but you must not forget that the death figure could not have been lower even disregarding the activity of Dr. Hoven.

Q. Then, witness, you would say that you could not actually say the number, but it was a vast number of people, killed by Hoven?

A. No doubt the figure was very high.

MR. HARDY: I have no further questions, Your Honor.

THE PRESIDENT: Any cross-examination of this witness in the art of defense counsel?

CROSS-EXAMINATION

BY DR. SEWATINS (Counsel for Defendant Karl Brandt):

Q. Witness, you have stated that the first transport consisted of criminals and prisoners which were sent to Dachau and according to your opinion, or according to the opinion of the camp, the people in this transport were intended for gas experiments. On what did you base this opinion?

A. I have already stated that inmates overheard a conversation of camp leaders who actually watched these deaths by gas. In addition we made conclusions which were absolutely justified.

Q. Well, you did not establish that experiments were made, only the fact that the deaths by gas?

A. Certainly, but the selection of the victims led us to arrive at the conclusion that especially people of low mentality were selected and that was certainly an experiment was carried out.

Q. Isn't it possible that these people were just killed because they were criminals and that it was done in a manner in which a mass killing was usually carried out?

A. You have to be very careful in using the word "criminal" in this case because there was no judicial system which provided that a man should

be killed in that manner. He was, not even a criminal person, was legally in that camp. He was only there on the basis of previous convictions.

Q. Were there prisoners there who were so-called "safeguarding custody" prisoners?

A. The so-called people who were in safeguard custody only arrived at the camp at a later period. That was approximately in the year 1943, in the spring of 1943; before that there was not one single criminal prisoner in camp.

Q. Let me ask that the order came from the Reich Criminal Office in Berlin?

A. Yes. No doubt the admission of the so-called safeguard inmates came from the Reich Criminal Office, Berlin.

Q. Witness, do you know a man by the name of Dietzsch?

A. Yes.

Q. What kind of activity did he conduct in the camp?

A. When I came to the hospital, Dietzsch was a clerk. He later became buyer for the needs of the sick and even later, as a clerk, came into the experimental station. From the end, until the end of the camp, he became a so-called Capo of the experimental station for the sick.

Q. Did you think about him?

A. Very little.

Q. In what way, you mean that?

A. I thought that he was a man with no scruples who was capable of almost anything and lots of brutalities.

Q. Do you know of any visits in the camp of highly placed personalities?

A. The camp was often visited by higher SS leaders; for instance, the Medical physician, Dr. Lilling, very often came into the camp. He was the only leading SS Fuehrer I personally saw. The other visitors very often went to Block 50, to this Typhus Institute.

Q. Did you ever see the Defendant Karl Brandt in the camp?



A. No.

Q. You did not see him?

A. Are you sure you are not mistaken?

Q. I do not believe that I have seen him.

A. Now if Dietzsch would say that he had heard that Brandt was there would this statement be correct?

Q. It is possible.

MR. SHANLEY: If the Tribunal please, I object to the question. He is obviously asking the witness to tell whether or not he would believe Dietzsch if Dietzsch testified to a court in fact before this Tribunal. The credibility of Dietzsch is, of course, to the Tribunal and not to this witness.

THE PRESIDENT: Objection overruled. Counsel may proceed.

Q. Will you please answer the question? I repeat, do you think that Dietzsch's statement is credible?

A. It depends on what you ask him.

Q. So you are of the opinion that he is not very credible and he does not like the truth?

A. It is possible that he has a number of things about which he wants to keep quiet.

MR. KERVATZ: I have no further questions.

MR. THRESCHKE, (Counsel for the defendant VICTOR SERAFIN):

Q. Witness, you were speaking at the beginning of your examination of the fact that you received insight into the Letter M F 13 by looking at the secret files; did I understand you correctly?

A. Yes.

Q. You were then speaking of the fact that in the summer of 1941 a Commission came from the Reich Criminal Office?

A. I assumed that it came from the Reich Criminal Office.

Q. I am assuming that. Now I wanted to ask you whether you ever saw a written order in these secret files on the strength of which the transfer of which

was sent to Dornburg in the summer of 1941 was ordered by my Berlin Office?

A. As I said before, in the summer of 1943, I became the first clerk and only from that period onwards did I have the possibility to look into the files. Later I found correspondence, I think, of the leading physician with this Dr. Meier and from this correspondence it could be seen, as far as I remember, that the passing of these Jews was intended. I copied this correspondence and I kept it in the hospital. I gave it to my Capt., Lesser, the new Vice-Resident of Berlin.

Q. And could it be seen from this correspondence that any higher agency in Berlin actually ordered this action?

A. As far as I can remember, yes.

Q. Can you still remember who exactly that ordered that?

A. I believe it was correspondence with the leading physician, Dr. Delling.

Q. Dr. Delling?

A. Yes.

Q. Did you see any correspondence of the Reichsfuehrer-SS?

A. There were certain records of the Reichsfuehrer-SS contained in this correspondence but I cannot remember having seen anything with reference to this action.

Q. Does the same hold true in the case of the Jewish action, that is, with

reference to the Jewish action you found no order where you could see from where the order originated?

A. Do you mean these invalid transports to Bernburg?

Q. Yes.

A. I am sure that this was ordered by a higher agency.

Q. But you did not see an order?

A. I can not now exactly remember this correspondence but it could clearly be seen that this action was planned and ordered.

Q. But I was interested in what agency this order originated from and that is something you cannot tell me?

A. No, I can not.

Q. Thank you, I have no further questions.

DR. GALLIK (Counsel for the Defendant Hoven):

Q. Witness, do you know Dr. Kogon?

A. Yes.

Q. Do you know him well?

A. Yes.

Q. Since when do you know Dr. Kogon?

A. I made his acquaintance in the year 1940 in the camp after he arrived there in the year 1938; ever since then I know him very well and we are friends.

Q. Do you think that he is a credible personality?

A. Yes.

Q. Thank you. I now come to another point. You signed an affidavit for the Prosecution, is that correct?

A. Yes.

Q. In what language did you sign this affidavit?

A. I saw it in English and in German but I know English sufficiently well..

Q. Now will you please answer my question-- in what language did you sign this affidavit?

A. English.

Q. Is English your mother language?

A. No, German.

Q. Do you know the English language?

A. Sufficiently well in order to understand the affidavit.

Q. Whereupon is your knowledge based?

A. What knowledge do you mean,--of English?

Q. Yes, of the English language.

A. I learned English in school and I later studied it at the University and then I further learned it...

Q. Well, now, tell me how many years did you actually study English at school?

A. Six years.

Q. How many years did you study English at the university?

A. For three years.

MR. McHANEY: Your Honor, I cannot see what pertinence the knowledge the witness has of the English language has to do with this case. The affidavit which he made out has not been submitted to the Tribunal and will, of course, not be. I think we are just wasting time interrogating the witness about his knowledge of the English language and I therefore object to this last examination.

THE PRESIDENT: Objection overruled.

Q. How long did you study English?

A. For six years.

Q. Until what year?

A. Until my matriculation.

Q. And at the university?

A. For approximately three years.

Q. Until what year?

A. Well, until 1925, and I later read English.

Q. And to what extent did you busy yourself with the English language after that date?

A. I read English literature.

Q. I now present to you this affidavit, in the German language, and I should like to ask you to translate this affidavit for me into English, in order to test your knowledge of the English language.



DR. GALLIK: Mr. President, this can be found in Document Book 12 in the English language; it is the affidavit of Roemhild.

THE PRESIDENT: Is there a copy of this document book 12 on the Secretary's desk?

DR. GALLIK: It is on page 54 of the English Document Book No. 12.

MR. McHANEY: If the Tribunal please, I do not like to take up time making these objections. I have objected to the materiality of the examination of the witness's knowledge of English but since that is being admitted, I would like to raise objection to this test. The affidavit was signed in English and presented to the witness in English. It is obviously no test of his ability to read and understand the affidavit in English by asking him now to translate out of German into English and if we wanted to call up examples we could do that out of our own translation department.

THE PRESIDENT: It appears to the Tribunal that a fair test of the witness's knowledge of English would be to submit to him the English affidavit and request him to translate it into German.

BY DR. GALLIK:

Q. Do you think you will be able to translate this affidavit into German?

A. It will be difficult for me to translate this into German.

Q. Please confine yourself to answering my question with yes or no. Are you able to translate this affidavit into English?

A. No, not that.

Q. Thank you. Now I am giving you the English text.

JUDGE SEBRING: Counsel, at what page does this appear in the English Document Book and in the Deutsch?

DR. GALLIK: That is page 54 in the German...I am sorry, page 54 in the English.

THE PRESIDENT: On what page of the German Document Book is this affidavit found?

DR. GALLIK: Page 57, Mr. President.

THE PRESIDENT: The witness will proceed.

THE WITNESS: Shall I start translating?

Q. Yes.

A. Affidavit. I, Ferdinand Roeschold, under oath, depose the following and declare:

On the 11th of April, 1904, --- that is wrong. I was born in 1903. I was born in Frankfurt on the Main, and started national economy at the University, completing my education. I worked at a merchant firm in Frankfurt. Before the year of 1934 I was not active in any political circles. In the year of 1934 I became associated with the German Communist Party and became engaged within the framework of writing leaflets with reference to the mistreatment of political prisoners.

On the 22nd of March 1936 I was arrested. In November 1935 I was sentenced to three years hard labor on a charge of high treason. I was placed in the prison hospital at Wehlheiden, and on the 2nd of April 1936 I was transferred to the Buchenwald Concentration Camp. From this date on I was classified as a political prisoner and remained an inmate of the Buchenwald Concentration Camp until the liberation of the camp by the Americans in April 1945.

For the first year in the Buchenwald Concentration Camp I performed manual labor. In the summer of 1939 I was assigned to the prisoners' hospital as a clerk.

Q. Will you go on to the next page, to the medical experiments.

A. Medical experiments at the Buchenwald Concentration Camp. At the Buchenwald Concentration Camp medical experiments on typhus and virus took place in Block 46. I received my information on the happenings in Block 46 from various people, who originally worked in my office and were later transferred to Block 46. As far as I can remember the names of some of these people are as follows: Alfred Leikam, Stuttgart, Karl Brauer, Halle, the Commandant of Block 46, Arthur Dietzsch. Also I was in my capacity as secretary and clerk in camp hospital and was placed in charge of money belonging to patients located in Block 46. Since I had these personal obligations, I had also to visit Block 46 on various occasions.

Q. Witness, doesn't it mean in German "as the administrator of personal property; due to holding these personal belongings," it says here?

A. Yes, holding these personal belongings. That is all right.

Q. Please continue.

A. Block 46 was established as an experimental station for research on spotted fever and virus, December 1941.

THE PRESIDENT: The Tribunal is of the opinion this test has proceeded far enough. It has formed its own opinion concerning the knowledge on the part of the witness as to the English language. We will proceed to something else.

Q. Witness, you stated that the defendant Hoven in the year 1941, that is the spring of 1941, became the first camp physician. I now suggest to you that the defendant Hoven only in July 1942 became the first camp physician.

A. I cannot recollect the exact date when Dr. Hoven became the first camp physician. At any rate I do know <sup>that</sup> during the action prisoner which took place in the summer of 1941 Dr. Hoven had already played the leading part in the hospital. As to the exact date when he did become the first camp physician I couldn't tell you.

Q. In the spring of 1941 there was another person who was first camp physician?

A. It is possible. I cannot recollect. If you could tell me the person?

Q. Do you know Dr. Blanke?

A. Yes, I forgot. Dr. Blanke was physician after Dr. Popitsch. I forgot him.

Q. Is it correct the defendant Hoven only in July 1942 became the first camp physician?

A. I cannot give you the exact date. I cannot tell you exactly when Dr. Blanke was transferred.

Q. Is it possible the date of July 1942 is correct?

A. It could be. I cannot say so exactly.

Q. But you would admit a possibility, wouldn't you?

A. Well, I do know that Dr. Blanke was camp physician.

Q. Do you know that Dr. Hoven was at first the Standortarzt physician and had nothing to do with the camp?

A. That is not quite correct. Later the camp physician and Standort physician were amalgamated.

Q. That is correct. But I just want to suggest to you that the activity of the Standort physician has nothing to do with the camp?

A. Yes, that is perfectly correct.

Q. What were the tasks of the Standort physician?

A. The Standort physician had to look after the SS and had to exercise a certain control function over the camp physician. At times when the camp physician wasn't available---

Q. That doesn't interest me. I want to know the pure activity of the Standort physician.

A. I don't know exactly what the Standort really did. At any rate he had to administer to a large circle of people, even outside the camp.

Q. I now come to the selection of the subject for the typhus experiments. In this connection I am going to put to you the testimony of Dr. Kogon, who said something entirely different than you did. On this page 197 of the Garmen record the witness Dr. Kogon stated that the selection of the experimental subjects did not agree at various times and he



said there were four different methods. The first one, that is during the early period, there were voluntary subjects. These were the first two experiments. Secondly, Dr. Ding asked the camp physician or the SS camp administration to put persons at his disposal for the experiments. That is camp physician and SS administration. The third method was that the Reich criminal police office was taking charge of it, and during the last experiments from various concentration camps and prisons in Germany transports were sent to Buchenwald.

Q. I am now asking you, is this description of the witness Kogon correct?

A. Certainly Dr. Kogon must know much more about these things than I, since for years he was Dr. Ding's secretary and as such was informed about these methods.

Q. Well, I was speaking about the first two experiments.

A. Yes.

Q. And if I understand you correctly, witness, you said that Dr. Kogon, as secretary of Dr. Ding, has more knowledge about this matter, about the selection of the experimental subject, is that correct?

A. Yes, no doubt.

Q. And then I further understood you to say as far as this testimony differs from the testimony of Dr. Kogon, you who really did not have the same knowledge as Dr. Kogon since you were not in Block 46 were erroneous and you would prefer to believe the statement of Dr. Kogon.

A. That only could refer to facts of Block 46, but I really know Dr. Hoven better than Dr. Kogon; then since Dr. Hoven came, the activity was in our block. With reference to typhus experiments Dr. Kogon knows more about them than I do.

Q. Witness, do you further know that Dr. Hoven, if he would concern himself with the selection of experimental subjects for the experiment, he did so at the express command of the legal camp administration? I want to put to you that this is what the witness Kogon concerned, and I ask you to consider this when making your reply.

A. It is possible that the demand of the legal camp management, the political leadership of the camp, played a part during this selection, but that can only concern a part of these persons who were used for these experiments. It could only concern such personalities who could have endangered the camp. This personality, however, existed. I personally had nothing to do with the selection, and I personally did not know the leading people in the camp. How well Dr. Hoven knew these leading people in the camp I do not know. I doubt whether he knew them all very well.

Q. That is just what I wanted to ask you, witness. Considering the circumstances in the concentration camp you cannot say that everyone knew the legal camp management, and conversation which was carried out with defendant Hoven with the legal camp administration - you did not attend them, did you?

A. Certainly I wasn't present by a lot of things.

Q. Then if it was concerned here that the defendant Hoven, as far as he selected part of the subjects for these experiments, did so at the request of the legal camp management, can that be correct?

A. Yes, certainly.

Q. I don't know where you got your information from. Did you get it from Dr. Kogon?

A. I don't quite understand you.

Q. Where did you have the information? Listen, I just want you to answer my questions, and nothing else.

A. There was a possibility in this typhus experimental station to save people, people that were looked for by the camp administration. It often happened that they disappeared and then often Dr. Kogon agreed to save these people. That is quite clear to me.

Q. It is then correct, or you at least cannot exclude the fact that the defendant Hoven, as far as he is concerned himself with the selection, did so with the request of the legal camp management?

A. I think it is possible that he considered certain of their wishes.

THE PRESIDENT: At this time the Tribunal will recess until 1:30.

CORRECTED COPY

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 14 January 1947)

THE MARSHAL: The Tribunal is again in session.

CROSS EXAMINATION (Continued.)

BY DR. GAWLIK: Counsel for Defendant Hoven:

Q. Witness, you were then speaking about the death reports.

Is it correct that the death reports were issued by order of Dr. Ding, or his superiors, or don't you know that?

A. As far as I know, there was an order of some superior agency that the typhus experiments should not come to public knowledge and that no doubt was an order coming from higher agencies, so that typhus was never mentioned as the cause of death.

Q. I now come to another point. Do you know, witness, that the Nurses Weingartner, Rudolf Schwarz, the laboratory assistant, Karl Brauer and you were supposed to be sent to the same camp by order of Commandant Koch and that was a camp where Walter Kraemer and Karl Feicha were killed?

A. I am now hearing about that for the first time and I am now hearing for the first time that I was in the same danger. At the time Karl Feicha and Walter Kraemer were arrested, there was only Adolf Schwarz and Arthur Dietach present; the others were not.

Q. You, therefore, don't know that the Defendant Hoven had tried to prevent that?

A. No.

C. I now come to Euthanasia, 14 F 13 and I believe, witness, that considering the length of time that has elapsed in the meantime, your statement is really mixed up. I should like to put the following to you and the witness Hoven also confirmed that two actions, 14 F 13, took place; one took place in the year of



1941 and the other in the year of 1942; do you know anything about that?

A. I have already stated that in the year of 1941 there were two transports of criminal and partly political prisoners and they were sent on the transport for that action and then there was another one in the year of 1942, in the spring; they were Jewish invalids amounting to approximately six hundred. I think Dr. Kogon's statement also referred to these two transports.

Q. Well, I am not referring to the individual transports and I am not referring to Dr. Kogon, but what I mean to say is that there were two orders; one was in the year of 1941 and after this first order of the year 1941 for this action, 14 F 13, all Jews were to be transferred?

A. I did not see these orders. I have already said that only in the year 1943 as a clerk, I had an occasion to receive insight into secret files. I merely saw this correspondence with Dr. Biele.

Q. From your answer, I take it that the statement that Dr. Kogon made in that regard could be completely correct and that you from your own knowledge, cannot give us the necessary statements; did I understand you correctly?

A. It may well be that Dr. Kogon did not receive certain information when working with Dr. Ding.

Q. During this first action, in the year of 1941, the inmates were selected by a Berlin commission and not by the Defendant Hoven.

A. Certainly; at this time it was this action against sexual criminals and political criminals.

Q. And the Jews were to be added to that?

A. No; I do not know anything about that. I know that during this transport there were no Jews present.

Q. Quite right; I was just coming to that and I wanted you



to confirm that fact. But, you consider it possible that according to that order, in the year of 1941, all Jews were to be transferred, as it was confirmed by the witness, Dr. Kogon?

A. I think it is entirely possible, however, I do not know of this order.

Q. And now you, yourself, said that you, from your own knowledge, know that Jews were actually not transferred?

A. Not during this first action; no, during this first action, as far as I know, there were no Jews.

Q. Well, do you also know - and that is something that Dr. Kogon confirmed - that this was only due to the work of the Defendant Hoven with reference to orders of the illegal camp management in collaboration with the Defendant Hoven working against this action, 14 F 13?

A. I don't know the collaboration of the Defendant Hoven with the camp illegal management very exactly. I am sure that Dr. Hoven must have been able to postpone the matter, because it is a fact that in 1942 these invalid Jews were actually transferred, but a large number of these Jews remained in Buchenwald; yes, these that were fit for work.

Q. And beyond that there were others, as Dr. Kogon confirmed. Dr. Kogon told us about a so-called building action which was intended to save Jews?

A. But that was much later. It was approximately in the autumn of 1942 and in 1943 that all Jews were trained as builders and were then sent to Auschwitz and there a large part were exterminated; but that was not really an extermination action as it was the case in Bernburg, but this was one of the many transfers into other camps. The fact that transfer to Auschwitz meant to many Jews was obvious, but I do not believe that the transfer of Jews to Auschwitz had anything to do with the order 14 F 13.

Q. I am now asking you, is it not possible that you are

making an error? Try to refresh your memory and think about it very carefully, witness, because Dr. Kogon confirmed that this action referred to 14 F 13?

A. I don't believe it.

Q. However, you are not excluding the possibility?

A. But, there were two separate actions.

Q. Will you please answer my question? Do you want to exclude the possibility?

A. If this action . . . .

Q. You can answer the question with "yes" or "no"?

A. I cannot answer it with "yes" or "no", just like that.

Q. One moment, but I take it that you do not exclude the possibility 100 percent?

A. No, that is correct.

Q. Do you know that during this first action, 14 F 13, the Defendant Hoven selected, or later saved Jews, Czechs and Poles by receiving a thesis on anthropological measurements from Dr. Lolling, and where did that take place; in the pathological department?

A. Yes.

Q. But what detail in Buchenwald are you referring to; I am asking if you know about it?

A. Well, the possibility exists that people were actually saved by Dr. Hoven.

Q. Now, is it further correct that during this first action in the year of 1941, the Defendant Hoven was not yet the first camp physician? I am reminding you that at the beginning of my cross-examination you pointed out it was Dr. Blacke.

A. I know that in the autumn of 1941 when the two hospital Gaps, Walter Kremer and Karl Feicha were arrested, at that time Dr. Hoven had not yet the power to save them. He would have done so if he could. You could collect from that that at that time he

14 Jan 47-A-MAA-6-5-Meehan - SW  
Court No. 1

was not yet the first camp physician, although I do not remember exactly who was the camp physician at that time, I thought it was Dr. Blancke.

Q. Until what time do you think Dr. Blancke was camp physician?

A. Dr. Hoven only became camp physician in 1942, but at least at the beginning of 1942 he had a very strong position in the camp since at that time he included himself into this fight between the criminal and political prisoners. As far as I know Dr. Blancke was the so-called standart-physician and the first camp physician at that time, but he was only the first camp physician in a nominal character. The real leadership of the camp was at that time in the hands of Dr. Hoven already.

Q. You further stated, Witness, that the second transport did not leave, and that was due to the influence of the Defendant Hoven. Will you please describe to the Tribunal what the Defendant Hoven actually did in order to prevent the departure of the second transport?

A. As far as I am informed, in November and December of the year of 1941 a further transport was intended and in this transport there were some leading political inmates included which apparently endangered the camp administration. The fact that a large influence was exercised on Dr. Hoven at that time is known to me, or rather, became known to me and as far as I found out, Dr. Hoven did not give his approval for this action. At any rate this action then really was dropped entirely.

Q. How many persons did this transport envelop?

A. I cannot say that since we could only find out the amount of people in the transport when the lists were compiled.

Q. But there were many hundreds?

A. Yes, certainly there should have been many hundreds.

Q. And it is therefore correct to say that owing to the interference of the Defendant Hoven many hundred Jews were saved from certain death?

A. Not only Jews, but at that time we were mainly concerned with Aryans, and it is quite sure that Dr. Hoven did an enormous amount of work in favor of the inmates in the camp.

Q. Perhaps you can tell the Tribunal about further services of the



Defendant Hoven for the benefit of the camp?

A. I know that many members of French and Dutch origin who were to be sent to Natzweiler in this so-called Night and Fog Action were held back by him. Among them there was the Dutch painter, Fiek, the Dutch sports instructor, Jan Robert, and a number of other Frenchmen. No doubt they have to thank Dr. Hoven for being saved.

Q. And it is further correct that the Defendant Hoven when saving these foreigners risked his own life?

A. I am sure it was very dangerous for him.

Q. I now come to the second action, the second action called 14 F 13. You were speaking, when examined, about a correspondence which referred to Action 14 F 13. Do you know that this correspondence referred to the second Action 14 F 13 in the year of 1942?

A. I had reason to believe that this correspondence referred to all such actions.

Q. Well, how large really was this correspondence? How many letters did you really see?

A. There were about two or three copies.

Q. Just two or three copies. What year did these copies come from?

A. As far as I remember they came from the year of 1941.

Q. Again?

A. 1941.

Q. Well, is there a possibility that they really originate from 1942, or do you want to exclude that possibility?

A. That I cannot say with certainty any longer.

Q. Do you further know that this second action, 14 F 13, which was ordered for the year of 1942 was not actually carried through in Buchenwald?

A. I only know that the invalid Jews were sent away to Bernburg, and that they were all exterminated there. I don't know whether this action was planned against all the Jews or only against the invalids, or whether this action

was just confined to the invalids through the interference of Dr. Hoven.

Q. And you neither know-- well, you only know the transports, but you don't know whether these transports belonged to the first or to the second action of 14 F 13?

A. No, we assumed that it was all concerned with the same action.

Q. You were speaking about the tuberculosis action and you said in that connection correctly that this action was conducted by Dr. Eisele but you further said, "As far as I know, during the first action, the Defendant Hoven was the first camp physician".

A. Since at that time I had forgotten the name of Dr. Blancke; he could have been the first camp physician at that time.

Q. You were then speaking about the killings. The Defendant Hoven partly admits these killings but is it correct that these killings had nothing to do with the Action 14 F 13?

A. I don't believe so because these were measures which were a habit in the camp.

Q. Would you just repeat your answer?

Q. I don't believe that these current killings have anything to do with any action like that.

Q. So your answer is no ?

A. Well just repeat your question once more.

Q. Had these killings anything to do with the Action 14 F 13?

A. These killings did not only take place during the time when this action was running.

Q. May I interrupt ? Maybe you can first answer my question with yes or no, and then give a reason.

A. Well then, no.

Q. The Defendant Hoven maintains that he only killed persons by request of the legal camp management. The witness Kogon confirmed that fact. He cited one case here in detail and he made it very clear that it was necessary to kill

persons in order to save the majority of the decent inmates. He described in detail the case of Kazimiera Kurowska, and the witness Kogon further spoke about a state of emergency in the camp, and I am now asking you, can you say with certainty that persons were killed without it's being ordered by the legal camp management or conducted by the legal camp management, or can you merely say that, "I don't know it".

A. But I do know it.

MR McHANEY: If the Tribunal please, I think the witness is entitled to know that he is being questioned with respect to information given by the witness Kogon; that Kogon testified at a minimum that, so far as he knew, the Defendant Hoven had not committed killings unconnected with recommendations made by the illegal camp government, but Kogon very clearly stated in addition that he was not personally informed on the activities of Hoven in the camp hospital, and he therefore was not testifying with respect to alleged killings by Hoven in the camp hospital. The witness here was in the camp hospital and has testified as to killings by Hoven in the camp hospital, and I therefore submit that it is unfair to the witness to put Kogon's testimony to him in the form which defense counsel has done.

THE PRESIDENT: There is merit in counsel's objection. If this witness is to be cross-examined at further length, the questions being based upon the testimony of the witness Kogon, the witness should be permitted to read the testimony given by Kogon in order that he may see exactly what Kogon testified to. This cross examination has continued at considerable length on matters which do not appear to be particularly material, with a great deal of repetition in the cross examination.

The Tribunal does not desire in any way to limit counsel in the cross examination of a witness, but it is not the purpose of cross examination to indulge in arguments with the witness. Counsel may proceed.

Q. (By Dr. Gawlik) You further mentioned the case of Dravinovitch?

A. Gavrilovitch was the name.

Court No. 1

Q. Were you present during that incident?

A. I came there the moment the man was carried from the room.

3. Well, your reply is, no, that you only arrived there at the time he was carried away?

A. I know about this case. I was told about it. I saw how this man was walking inside, and then I had to leave the room for some official reason, and as I left again, this man was carried out.

Q. Well, if I understand you correctly you wer n't there when he was mistreated?

No. No.

Q. Well, isn't there a possibility --

Q. GALE: Well, I have no further questions about this case.

THE COURT: Is there any further cross examination of the witness on the part of any of the defense counsel?

## CROSS-CORRELATION

BY DR. WHEELER: (Counsel for Defendant Gensler)

Q. Please, you know that in Buchenwald in connection with the typhus experiments there were two stations in the camp, one research or clinical station in Block 46, and then the production station in Block 50?

 $\Delta_{\text{H}} = 2.5 \text{ kcal/mole}$ 

Q. Do you know anything about the fact that in January 1943, according to an entry in the diary of Ding, preparations were made for the reduction block 50, and that at that time the experimental station changed its name from experimental station to department for the research of typhus and virus?

A. I don't know anything about the development of this institute since Dr. Keeton is much better informed about these matters than I am.



Court No. 1

Q. Well, in that case you can neither say anything about the letterhead of the Institute before or after that period of time?

A. When exactly this Institute received that name, I can't tell you exactly.

Q. Did you yourself see the Defendant, Gonsken, at any time in Buchenwald?

A. No.

DR. MERKEL: Thank you. I have no further questions to the witness.

THE PRESIDENT: Any further cross examination of this witness?

Has Counsel for the Prosecution any examination, re-examination of this witness redirect?

REDIRECT EXAMINATION

BY MR. HARDY:

Q. Witness, in connection with this tubercular action, whether or not Hoven was first or second camp physician? Was he a higher-ranking man or doctor than Eisold?

A. Yes, certainly. Even before he officially became the first camp physician he had decisive influence.

Q. Witness, and do I understand you clearly in answer to my questions and the questions of the Defense Counsel for Hoven that Hoven selected the Jews in 1941 after physical examination, that said Jews were placed on a list, and that substantially the same Jews on that list were later transferred in 1942 to Bernburg for extermination?

A. He at least participated during the examination. It is possible that the lists at that time were still signed by Standartenfuhrer Brandt.

MR. HARDY: I have no further questions, Your Honor.

THE PRESIDENT: Do any Defense Counsel desire to cross-examine this witness upon the testimony he has just given?

MR. GARLICK: I request permission to ask one question, your Honor.

THE PRESIDENT: It will be granted.

RE-CROSS EXAMINATION

BY DR. GAWLIK:

Q. You said that the possibility existed that the defendant Hoven was the second camp physician during the TBC action -- and I must correct myself. If I understood you correctly, you stated that during the TBC action Dr. Blanke had been the first camp physician at that time. I am now asking you did the defendant Hoven have the possibility to prevent the TBC action which was carried out by Dr. Siegel? Please answer the question now with "Yes" or "No".

A. No.

DR. GAWLIK: Thank you.

THE PRESIDENT: The Tribunal has noticed during the past few minutes some apparent difficulty with the electric lighting system in the courtroom. If it should happen that the electric lights are extinguished, everyone in the courtroom will remain quietly in his seat. The guards will immediately stand at their post and remain standing there. The witness is excused.

(Witness excused)

THE PRESIDENT: The Prosecution may proceed.

DR. HOCHWALD: If it please the Tribunal, we could proceed with the presentation of the evidence on the Euthanasia Program in Book No. 15. I read from the first page of the document book and offer into evidence Document No. 629-PS which will be Prosecution Exhibit 380, dated 8 July 1940: "stamp: Reich Ministry of Justice, 9 July 1940, Department: III/IV. To the Reich Minister of Justice:

"I have a schizophrenic son in a Gurttenbergian mental institution. I am shocked about the following absolutely reliable information:

"Since some weeks insane persons are taken from the institutions allegedly on the grounds of military evacuation. The directors of the institutions are enjoined to absolute secrecy. Shortly afterwards the relatives are informed that the sick person had died of encephalitis. The ashes are available if so

Court No. 1

desired. This is plain murder just as in the concentration camps. This measure uniformly emanates from the SS in Berlin. The institutions dare not inform the authorities. Inquire at once at Rottenmuenster Schassenried, Linzertal, all in Wurttemberg. Have the lists of two months ago submitted to you, check upon the inmates who are there now and ask where the missing persons went to. For seven years now this gang of murderers defiles the German name. If my son is murdered, well I shall take care that these crimes will be published in all foreign newspapers. The SS may deny it as they always do. I shall demand prosecution by the public prosecutor.

"I cannot give my name nor the institution where my son is, otherwise I, too, won't live much longer.

Heil Hitler

Oberregierungsrat" -- which means a higher Government official -- "H. At the same time I write to Hitler. (pencil note) To State Secretary Preisler with the request to collect such letters. 10 July 1940."

I want to turn now to Document 626-PS. Your Honor, that is on Page 7 of the English Document Book. I want to point out that Document 626 -- no. I am sorry. This is on Page -- I am sorry. It is on Page 8 of the Document Book. Document 626-PS is identical with Document 40-829, but by mistake was only partly included in the Document Book; therefore, I am prepared to read 626-PS and I am not going to introduce Document 829.

Document 626-PS will be Prosecution Exhibit 361.

"The Prosecutor - general, Stuttgart, August 1, 1940. To the Minister of Justice of the Reich, Berlin N 9, Altonaer Str. 65. Reference: Information about unsanitary death of inmates in asylums." In brackets: "Graefenegg case."

Enclosed: 2 copies.

"In addition to my report of the 15.7.1940, and after my reception by Secretary of State Dr. Preisler on the 30.7.1940, I send you herewith copies of an excerpt from a letter addressed to the President of the Special Court in Stuttgart, as well as of a private note sent to me. Both letters confirm

the fact that the mysterious events which took place in some medical establishments brought about a strong agitation among large groups of people and that church circles particularly muddle with the matter. If it were to be confirmed that men wounded in the World War as well as private patients, to whom their relatives had still kept a faithful attachment, had been submitted to such a measure, I fear there would ensue from it very serious consequences and an unbearable position for the judicial authorities, unless the matter is very soon and clearly settled by legal provisions. Moreover, it ought to be considered that the matter could be taken up by enemy propaganda. Further on Grafeneck, which is a remote establishment without communal character, possesses an own registrar's office (and apparently a special crematorium, too) and the numerous and stereotyped deed certificates delivered there as well as in some other establishments in Saxony, Brandenburg and Austria -- from 60 to 70 since May 1940 only have been received by the probate court and court for the protection of ward in Stuttgart -- struck the authorities of the voluntary jurisdiction.

"Where I apply for instructions as to how I have to tackle those present and possibly future information cases.

By order

Signed Holzhauser."

I want to introduce as the next document Document 830 on Page 4.

This will be Prosecution Exhibit 382, your Honors. "Copy.

"For several weeks now there are rumors in the localities around Grafeneck that everything could not be all right in the castle. The Home for Aged People Castle Grafeneck there has been dissolved, and now the wide area surrounding the entire complex is isolated by the SS. Only now and then busses with sick persons can be seen arriving. They are said to be patients from the Mental Institutions Zwiefalten and from similar institutions who are brought to the castle, who were never seen again, and whom one is not permitted to visit either. A frequently ascending smoke or vapor suspicion. At first the population supposed that it was a question of the patients being used as test subjects for



poison gas or that experiments concerning the healing of persons poisoned with gas were supposed to be executed. Allegedly, only such patients are used who no longer have any relatives whatsoever and who have only a very short time to live anymore, anyhow. I heard this about four weeks ago. In the meantime, I still learned the following: --"

I am refraining from reading about the several cases which are listed here and only want to point out the date, 25 July 1940.

The next document is on page 10 of the Document Book, your Honors, NO-839, which will be Prosecution Exhibit 383. In brackets: Arrived on 8 December from Chief Prosecutor at Zwickau, and I read this short paragraph on the first page of the document;

"On 11 November 1940 trial came up before the 10th Criminal Divisional Court of the Landgericht Zwickau against the worker Bruno Has of Zwickau with the purpose to confine him to a mental institution. Some days before the session I discussed the affair with the president of the 10th Criminal Divisional Court, director of Landgericht Dr. Pfinke. On this occasion I told him confidentially that Regierungssanitätstestarzt Dr. Balenderfer of the State Mental Institution in Unterpöhlitz mentioned in a previous discussion with the same topic of confining a defendant went in checking the question whether a person should be confined, the viewpoint of euthanasia as performed today, was also to be considered. Dr. Pfinke who was very astonished about this information then had talked to a professor of an institution of this place. Dr. Pfinke also told me the name but I cannot recollect it today. He told him that he had the greatest remorse: he had been ordered to dispatch some children who were feeble-minded but otherwise fit for life, who had been hospitalized in his institution. He did not know where the children went to. Sometime later he would be informed that they had died. He had scruples to make other children transports because he did not know if he was not going to be guilty of aiding and abetting murder. Dr. Pfinke thought that thus it had to be assumed that euthanasia was actually performed; he expressed the opinion that this fact could not possibly be without influence upon the criminal courts

when examining the question, whether a person is to be confined or not. Dr. Pfinke asked me to inform the chief public prosecutor confidentially about his report. This I did immediately."

I am skipping the last paragraph and quote only the date: "Zwickau, 5 December 1940. (Signature). illegible. Prosecutor."

The next document I offer into evidence is Document 622-PS on page No. 12 of the Document Book, Prosecution Exhibit 384: "The Advocate General, Naumburg, 13 September 1940, Secret Reich matter. To Reich Minister of Justice. Attention Herr Staatssekretär Dr. Freisler. Subject: The death of persons committed to sanitoriums.

"On the basis of this order given to me on the occasion of my verbal report on 10 September 1940, I report:

"In the middle of June 1940 the Brandenburg on Havel Land-sanatorium informed the Naumburg prosecuting authority as executory authority of a number of cases in which persons who were committed to a sanatorium according to paragraph 42 of the Reich criminal code had died in the said institution. In three cases it concerned persons who had been sentenced to jail, and being not of entirely sound mind, were also committed to an institution; in two cases they were persons of no sound mind against whom the sentence pronounced only the commitment to an institution. There was a further case in which a person while serving his jail sentence had become insane and thereupon was transferred to an institution. In one case "acute Nephritis" was reported as the cause for death; in another case it was "heart failure"; in the remaining cases a more detailed report was lacking.

"The multitude of the cases, but especially the circumstance that always the same date, that is, 14 June 1940, was given as the day of death, appeared strange to the Attorney-General in Naumburg, particularly as a cause of or death had been given in at least two cases which would not permit the assumption of mass death resulting from catastrophic events, as for example fire and explosion or similar accidents. The Attorney-General therefore felt induced to notify me of the circumstances."

14 Jan-A-JP-9-1-Record.

Court No. 1

I am now turning to page 15 and want only to read from the middle of the page -- point 6:

"1. Jel. 2120/20. The Russian laborer Josef Garasimowit, of Neumarkt, born 14 May 1892 in Etmszy, district of Vilna, was sentenced to death for murder, by the court of assizes at Hamburg (6) on 13 December 1921. The death sentence was commuted to life imprisonment by an act of grace. When Garasimowit became insane the Prussian Minister of Justice ordered his transfer to a sanatorium according to a decree of 7 September 1923. On 15 September 1923 Garasimowit was transferred to the Vichtslaben sanatorium. The Attorney-General at Hamburg was notified by the sanatorium at various times, for instance on 28 August 1929, on 7 October 1931 and on 7 October 1935 that a cure for the patient would be impossible.

"On 15 June 1940 the Brandenburg a.H. Land-sanatorium reported that the patient, who only a short time previously had been transferred to Brandenburg a.H. for administrative reasons, has died there of heart failure on 14 June 1940."

The next document will be No. NO-836, on page 17 of the Document Book, which will be Prosecution's Exhibit No. 385. I only want to read the first lines:

"The Attorney General, Stuttgart S, 12 October 1940. To the Reich Minister of Justice. Subject: Unnatural death of inmates of mental institutions with reference to the personnel report of Chief Public Prosecutor (Oberstaatsanwalt) HOLZHEIMER to State Secretary Dr. FRASLER."

This is a similar report to those which have been read into the record. A similar report is No. 613-PS, on page 20 of the Document Book, and which will be Exhibit No. 386:

"The Prosecutor General. To the Reich Minister of Justice.

"I report further in the matter regarding the eliminating of unfit life:

The next document is on page 26 of the Document Book No. 624-PS, and which will be Prosecution's Exhibit 387. It is from the:



Court No. 1

"Directorate of the County Asylum Waldheim (Sax.). To: The Minister of the Interior for Saxony.

"I forward to you herewith requests from the offices of the Attorneys General for Chemnitz and Dresden respectively, and beg you to answer them, as we cannot handle these requests.

"The shoemaker Arthur Willy Erlor (born 22/8/04) was sent to the asylum on 30/7/39, after having served his sentence at the Waldheim prison. He is a blind man and a dangerous habitual criminal, who was ordered to be kept in security detention and placed in an asylum. Except for his criminal disposition, Z. had no mental disease; he was sent to this asylum because, apparently, the police wanted to get rid of the blind man. I submitted a request to the Ministry to have Z. placed in security detention. However no decision was taken concerning this request, because Z. was transferred with a collective transport of patients of the Charitable Patient Transport Corps.

"The dentist Dr. Hermann Wirsing (born 15/8/83) was sent here from the Dresden Jail on 15/4/40 according to article 12 b of the penal code; he was transferred out again the following day (on 16/4/40) with a collective transport of patients of the Charitable Patient Transport Corp. He is a psychopath and a chronic morphine addict. His relatives have inquired a great many times by letter or telephone about his transfer and his present whereabouts.

"For the director of the asylum: on behalf of:"

The next document is Document No., MA-838, on page 26 of the Document Book and it will be Prosecution's Exhibit No. 388. It is from the Chief Prosecutor, Chemnitz, and is dated 3 December 1940, and it is to the Attorney General or official Deputy. The subject is:

"Report on Irregularities in the Mental Institution Waldheim and in other similar establishments."

I want only to read a short paragraph -- the forth one down:

"In the case of Gebattel the criminal court was preparing a retrial after the time the condemned person had already been transferred and had died."



Court No. 1

I turn now to page 31 of the Document Book. Document No. NO-844, which will be Prosecution's Exhibit No. 389.

"DER OBERLANDESGERICHTSPRÄSIDENT";

Which means the president of a higher court.

"Frankfurt, 16 May 1941. To the Minister of Justice. Top secret.

"Subject: Report on the general situation in the area of Oberlandesgericht (Main District Court) Frankfurt/Main (Ordinance of 9 December 1936.

"Enclosures: 2 further copies of the report.

"I believe that I should amplify my situation report of the 3rd inst, as to the attitude of the population with regard to the extermination of life unfit to live.

"In places where there are mental institutions, and in their vicinity, sometimes, however, even in whole districts like for instance in the Rheingau constant talk is going on regarding the question of extermination of life unfit to live. The vehicles which transport the patients from their institutions to transient stations and from there to extermination stations are known to the public. I am told that even children call out when such transport cars pass. There are some more to be guessed. It is said that on the way from Weilburg to Hadamar daily 1 to 3 large buses pass through Lieburg with covered windows which bring the inmates to the extermination institution Hadamar. The story goes that the arrivals are at once entirely undressed, paper shirts are put on them and they are then taken into a gas chamber where they are liquidated with prussic acid and an additional narcotic gas. The bodies are said to be taken on a conveyor belt right into a cremation room, six at a time into one oven; the ashes are distributed into 6 urns and sent to the relatives. Every day one can see the thick smoke from the cremation hall over Hadamar. There is further talk that in some cases the heads or other parts of the bodies are cut off in order to have them anatomically examined.

"The personnel engaged in the liquidation in these institutions which has been brought in from other places, is absolutely shunned by the populace.

Court No. 1

The personnel sits in inns evenings and imbibes strongly in alcohol.

"Apart from the outward appearance, which occupies the phantasy of the populace, the population is uneasy especially as regards the question whether old people, who have accomplished things in life and now, in their old age, have become feeble-minded, are also to be liquidated. There are rumors that homes for the aged are also to be evacuated. It is said that the population is waiting for a legal regulation giving a definite procedure so as to ensure that such old people who have become feeble-minded shall not be included in this action.

"It is also maintained that patients who were kept in private homes are to be batched and done away with. Further more it is believed that patients, who have done useful work all along, in the institutions and whose mental life has definitely not died down completely, are also being liquidated.

"Above I have merely reported rumors which are current among the population, even in as big a city as Frankfurt, according to information I have received. I am not in a position to check this information.

"Finally I would like to point out the following: In a Gau Press Conference in Frankfurt, on 30 April 1941, the Gau Press Office Chief, UNTERMANN, drew the attention of the chief editors to the fact that obituaries had lately been noted in the daily press of the district which in future will no longer be allowed to be printed; for instance:

"a) Deceased, according to information from the mental institution...

"b) As already expected we were informed that .....

"c) After a long period of uncertainty.....

"Incidentally the Chief of the Gau Press Office explained in a closing remark that in wartime an increase in deaths due to illness is natural, and thus also, of course, an increase in deaths in mental institutions.

"(signed) UNTERMANN.

"For file not. MYRIKE

"The State Secretary asks for a resubmit the following letter to

Court No. 1

BOUHLER:

"In addition to the reports which the....submit regarding the situation in their districts, they also mention the rumors which disturb the population. Will you please inform me whether you are interested in being informed regarding such rumors which have been indicated to me as such. I shall then permit myself to submit to you the contents of such reports.

"(signed) illegible."

The next document is on page 34 of the Document Book, and is No. NO-845, and which will be Prosecution's Exhibit No. 390.

THE PRESIDENT: Your Exhibit No. 389 which is dated 16 May 1941 --

R. HOCHSTADT: Just a minute, I want to check. 16 May 1941 -- it may be seen from the date, 17 May 1941.

THE PRESIDENT: Very well, proceed.

R. HOCHSTADT: The next document is on page 34, No. NO-845, which will be Prosecution's Exhibit No. 390. I want to submit this without reading it. It is a letter from the Attorney General, Koeln, dated 20 October 1941, and it is to the Reich Minister of Justice and the subject is: Extermination of life unfit to live. This is a similar report to the previous one.

The next document is on page 37 of the Document Book, No. NO-001, and which will be Prosecution's Exhibit No. 391. It is dated:

"Munich, 25 November 1940.

"Dear Frau Buch 1

"It probably is the simplest way for me to direct this letter to you with the request to forward it to your husband or to hand it to him when he returns here if you think it better. Boris wrote us some time ago that he is in Poland.

"The problem which brings me to you today is not a personal matter but it concerns all of us and it would seem to me to be the hardest of all those which we have had to tackle so far. Until now nothing could shake my confidence in the successful overcoming of all difficulties and dangers which the "Greater Germany" is meeting on its way, and which my faith in the Fuehrer. I have

unswervingly fought my way through thick and thin; but that which looms up before us now simply takes the ground from under our feet as a young 100% party member, a co-worker in the office for racial policy, said to me yesterday

"Undoubtedly you know about the measures presently used by us to dispose of incurable insane persons; still, perhaps you do not fully realize the manner and the scope of this, nor the horror it creates in people's minds. Here, in Württemberg, the tragedy takes place in Grafenack, on the Alb, as a result of which the name of that place has taken on a most ominous meaning. In the beginning one instinctively refused to believe the tale, or in any case considered the rumors extremely exaggerated. On the occasion of our last business meeting at the Gau School, in Stuttgart, about the middle of October, I was still informed by a 'well informed' person that this involved only idiots, strictly speaking, and that application of 'Euthanasia' applied only to cases which have been thoroughly tested. It is entirely impossible now to make anybody believe the aversion and individual cases established with absolute certainty spring up like mushrooms. One might deduct perhaps 20% but even if one tried to deduct 50% this would not help. The terrible and dangerous part is not so much the fact in itself; if a law had been created on the order of the sterilization law which subjects certain categories of sick people to the most thorough examination by experts, patients in whom there is no longer left even a spark of recollection or of human feeling then, I am convinced, feelings would calm down after the initial indignation and people might have become reconciled with it, perhaps quicker than with the sterilization law.



Perhaps after a few years one might not even have understood any more why this merciful law had not been introduced long before. But considering how matters are now being handled, the effects are truly unfathomable from every point of view. Opinions may vary on how far men can arrogate to themselves the right to decide on the life or death of their fellowmen; but one thing should be sure anyhow: This right must be strictly established by law, and it must be administered with utmost conscientiousness or else doors will be opened wide to the most dangerous passions and to crime. It was a well established practice, for instance, to get rid of embarrassing relatives by declaring them insane and lodging them in insane asylums.

"I am of the opinion that then the people have the right to know about the law the same as they knew of the sterilization law. The most awful thing in the present case is the 'public secret' which creates a feeling of terrible unsafety. It could not possibly be expected to guard the secret indefinitely even though he who gives it away becomes liable to capital punishment, as is said to be the case in this instance? It was equally unheard of to expect people to believe in the mysterious 'epidemics' to which the relative was said to have succumbed; a mistake which never can be made good again.

Those who are responsible for these measures, do they have no concept of the measure of confidence they have thereby destroyed? Everybody must at once ask: What then can still be believed? Where is this path taking us and where should the boundary line be established? It is not that only hopeless idiots and mentally deranged persons were affected but, as it seems, all mentally incurables will gradually be included, also epileptics whose mind is not at all affected. Frequently there are among them persons who still take some part in life, who accomplish their modest measure of work, who are in contact with their relatives by mail, persons who, when the grey motor car of the SS rolls up, know where they are to be taken. And the farmers on the Alb when they see these cars pass know also where they are going, and day and night they

14 Jan 47 - FJC-Blakley - sw  
Court No. 1

see the smoke from the crematory. We also know that among the mental  
incurables there are many

persons of highest intellect, those who are damaged in part only, and those who are damaged periodically only and who for periods in between have a perfectly clear mind, with enhanced mental energies. Was it not enough to sterilize them, and is it not horrible to think that above all those the sword of Democles at Grefenack is suspended?

"While I am writing down all this, I am again so overwhelmed by the chestiness of these things that I feel I am having a bad dream from which I must awake again. And to think that just now women are to come forward for a huge campaign! And what is the canvas material for the Catholic Church!

"Now the people still cling to the hope that the Fuehrer does not know about these things; that he could not know, otherwise he would have to take action against it; that in no case does he know about the manner and extent of these things which take place. I feel, however, it must not go on that way much longer or this confidence will be shattered also. It still is so moving to come across this confidence just among the simple people. (Of course, the Fuehrer does not know of it!; and this weapon we must keep shining as nothing else! We cannot do this, however, by trying to throw dust into people's eyes, as long as possible to quiet them with subterfuges and flustering up when they ask us, with excuses which we do not believe ourselves. I am also convinced that we will pay bitterly for this attempt to stultify the people's sound feeling of resistance against these happenings and to silence it; it is the feeling of right and justice without which people invariably goes astray. Again, one must not permit the wave of indignation to become so strong that it breaks an open path for itself by force or that it, which would be worse still, begins to consume us from inward out. The matter must be brought to the Fuehrer's ears before it is too late; and there must be a way by which the voice of the German people can reach the ear of its Fuehrer!

Much could still be added on this subject; but I believe I have said what is essential; and I do not want to abandon the hope that the unified strength of those who recognize the danger clearly and who muster the necessary courage will help us to find the way out of this labyrinth. I do hope that you and your family are well and particularly that you are

receiving good news from your sons on the front and that despite all you are all looking forward to a merry Christmas in wartime. I still have my daughter with her two children here. Probably she will be here throughout the war, that is, as long as we still can live in the castle. Much to our regret we had to decide to rent it to the Women's Labor Service last spring; otherwise we would not have been able to hold the farm financially. We hope soon to build a small house in the garden where we can get along with one maid. The question only is where we are going to be until that little house is finished. At the end of the week my daughter-in-law, an English woman by birth, will also come with her little child because they cannot find an apartment in Chemnitz. Thus, before vacating the castle, it at least will once more be fully utilized.

"With kindest regards to your husband also and Heil Hitler! your (signed) Else von Loewdal." The name is "Loewdas"; this is a printing mistake in the translation.

THE PRESIDENT: The Tribunal will now recess for a few moments.

(A recess was taken.)



THE MARSHAL: The Tribunal is again in session.

DR. HOCHWALD: May it please the Tribunal, the last document read was No. 001. I come now to document No. 002 on page 43 of the Document Book, which will be exhibit No. 392. I do not read the first two pages which are a letter of transmittal of Document No. 001 from Buch to Himmler. I will read only the one page which is the answer from Himmler to Buch, who was the highest Party Judge in Germany:

\*19 December 1940.

To: The Chief of Counsel of the RSDAP  
Party Member Walter Buch Munich 33.

Dear Party Colleague Buch,

Heartly thanks for your letter of 7 December 1940. The proceedings in the place in question - I may inform you confidentially are carried on by a commission of physicians in virtue of an authorization of the Fuehrer. The selection is carried out as conscientiously and justly as is humanly possible not by an isolated individual but by a commission of which every member first gives his decision independently.

\*The SS only helps with vehicles, motor cars, etc. It is the doctors, experts conscious of their responsibility, who give the orders.

\*I agree with you on one point. If the matter has become so public as you say, the process must be faulty. On the other hand, it is clear that it is always a difficult process. I shall immediately contact the competent head quarters and bring the defects to their notice and advise them to drop Grafeneck.

\*Of course Frau von Loewis will not be implicated in this affair.

\*When we meet again, I shall give you some more detailed information verbally so that you can inform Frau von Loewis more accurately should you have the opportunity.

\*Cordial greetings,

Heil Hitler!

Yours

(signature illegible)\*

The next document is No. 833, page 46 of the Document Book, which will be Exhibit 393.

"Reich Minister of Justice

Berlin, 24 July 1940

To the  
Reich Minister and Chief of Reich Chancellery,  
Dr. Lammers:

"Esteemed colleague Lammers:

"On the basis of our discussion of yesterday I transmit to you the desired copies.

"As you informed me yesterday the Fuehrer refused to issue a law. Consequently, I presume, the necessity arises to discontinue immediately the secret extermination of insane persons. The recent procedure became publicized so rapidly and widely not least by the attempted camouflage. From the enclosures you can decide for yourself how embarrassing a situation can be created and yet the number of such inquiries will increase.

"It is extraordinarily difficult to reply officially, reference, for neither to the fact nor to the content of a Fuehrer order can be made. It is impossible for our authorities to pretend that the Reich Justice Administration knows nothing of the matter.

"I may assume that you, esteemed colleague Lammers, advised the offices concerned of the desire of the Fuehrer and I ask you urgently to inform me of the results of such steps.

Heil Hitler!

respectfully yours,

(Signature) Gtr. "

for Guertner.

"The next document is No. 833 on page 48 of the Document Book, which will be Exhibit 394.

"Reich Ministry of Justice  
Under Secretary Dr. Schlegelberger

Berlin, 27 July 1940

(stamped) Top Secret

"My dear Mr. Reichsleiter:

"The Reichsminister and Chief of the Reich Chancery has stated that he has

gotten in touch with you again in the affair of killing persons unfit to live. According to the special wish of the Reich Minister Dr. Fuertner, who has left Berlin today for a brief period, I have the honor to send you the copy of his letter addressed to Reich Minister Dr. Lammers, of the 24th inst. together with the attached enclosures for your information.

Heil Hitler!

Your very obedient  
(signed) Dr. Schlegelberger

To  
The Chief of the Chancery of the Fuehrer of the NSDAP  
Mr. Reichsleiter Buehler."

The next document is on page 49, 621-PS, Exhibit 395.

"Letter from Dr. Lammars to the Minister of Justice on the Deaths of  
Nursing Home Inmates.

The Reichminister and Chief of the Reich Chancellery, Berlin, 2 October  
1940.

SECRET REICH MATTER ! !

To the Reichminister of Justice  
Dr. Guertner

Dear Dr. Guertner!

I herewith acknowledge your letters of 26 August and 25 September  
forwarding to me further material about the death of inmates of nursing  
homes. I forwarded the enclosed reports of the Chief Prosecutors of  
Stuttgart and Weismburg to the Reichminister of the Interior - Reichs  
Health Leader - for further action.

Heil Hitler !

Sincerely yours

(signed) Dr. Lammars"

The next document is 620-PS on page 50 of the Document Book,  
Prosecution Exhibit 396.

"The Reich Minister and Chief of the Reich Chancellery, Berlin, 9  
October 1940.

Secret

"To the Reich Minister of Justice

Herrn Dr. Guertner

Dear Dr. Guertner,

The additional material which you sent me with your letter of 2  
October 1940 concerning the deaths of inmates of mental institutions, I  
forwarded to the Reich Minister of the Interior Reich Chief for Public  
Health (Reichsgesundheitsfuhrer) - for the purpose of further decision.

signature: Dr. Lammars"

The next document is 661-PS, Prosecution Exhibit 397.

"The Reich Minister of Justice, Berlin, 4 March 1941.

To the Reich Minister and Head of the Reich Chancellery

Berlin

For Government Secret.



Re: Extermination of worthless lives

Appendix to letters of 24-7, 20-8, 25-9, 2 and 3-10-1940

Enclosures: 4 booklets

"Sir,

The doubts expressed in your letter of 25 July 1940 to Reich Leader Buehler induce me to forward you the material I have received during the past months, on the question of exterminating useless persons, in the form of petitions, reports and memoranda. This is in compliance with an order of the late Reich Minister of Justice Dr. Guertner. Although the taking of measures against persons not fit for life does not come directly within my sphere, I consider it my duty nevertheless, to direct your attention to the fact, that these matters are indirectly connected with many branches of the Reich Administration of Justice and undermine the security of their work. The following branches are those chiefly involved:

"In matters concerning guardianship disagreements have been caused by the fact that judges have opposed the transfer of lunatics from one asylum to another when they were under the care of a guardian or trustee. In many cases the courts did not receive any official information, either concerning whereabouts of insane wards or announcing their deaths, although the personal affairs and questions concerning property which arise from guardianship and trusteeship as also the intercourse between guardian and ward, and current personal inquiries by relations, make it necessary for the authorities to be kept permanently informed of the whereabouts and further fate of wards. Since guardianship and trusteeship comes to an end with the death of the ward, the courts often lack a clear perception of the situation to determine whether or not the guardian or trustee who has been appointed is still needed. The uncertainty of the fate of the wards impedes the legal settlement of property matters in the courts for the protection of wards. Frequently the courts are approached by guardians or relatives and asked for information as to the whereabouts of wards, but, in spite of all their endeavours, they find themselves unable to give adequate information to such inquirers.

"While many judges have a suspicion of the measures wards have been subjected to, they are justly hesitant in passing on their misgivings to the inquirers, as no official directions have been given with regard to this. On the other hand, it is incompatible with their duty to give incorrect or evasive information. In the same way numerous doubts have arisen in the sphere of the Probate Courts, for instance on the question of granting inheritance certificates. The enclosed booklet I, to which I beg to refer, gives information about these difficulties as far as they refer to voluntary jurisdiction.

"In criminal jurisdiction likewise embarrassing positions have arisen. Proceedings have been instituted and carried out although the defendants were already deceased owing to the fact that the prosecuting authorities were never informed of the proper status. Prosecutions and retrials could not be concluded, since both delinquents and witnesses had "died" in the meantime. It repeatedly happened, that condemned persons, living in a sanatorium or asylum, escaped the notice of the prosecuting authorities, because they were removed from the asylums without a hearing and were subsequently liquidated. This proved especially embarrassing, if the court had to decide on a prolongation of the detention of the perpetrator according to article 43 of StGB. The fundamental principles of penal procedure were seriously affected in as much as expert physicians declared that in all good conscience they could no longer give a diagnosis in dubious cases of the increased insanity of accused persons, in order to establish a basis for their confinement in a sanatorium or asylum because such confinement, in its result, was equivalent to the execution of a death sentence without a previous trial in court. Difficulties also arise for the prosecuting authorities in so far as relatives or third persons file actions for murder on persons who have disappeared. An attorney general intends to question now as defendant an official doctor, who compiled the medical report of a "deceased" person, and to investigate the correctness of his report. For

Court No. 1

details with regard to the difficulties which are being encountered by the criminal jurisdiction, I beg to refer to the enclosed booklet II.

"Considerable misgiving arise for the judicial authorities in the carrying out of proceedings based on the law against malicious attacks on the state and party, in so far as the declarations of the accused refer to the killing of persons not fit to live. Due to the fact that measures taken for liquidation are kept secret, various rumors are in circulation among the population, and are being stirred up and exaggerated beyond measure by anti-state elements. The secrecy and general uncertainty with regard to the extent of the measures taken, make a fertile soil for the circulation of such rumors. That also socially normal inmates or penitentiaries, and even disabled war veterans and aged citizens incapable of working, as well as politically undesirable persons are subject to these measures. To take proceedings for malicious action in the spreading of such statements, seems particularly serious even if done in closed sessions, because the light thrown on the individual characteristics of the case would disclose the entire problem of the extermination of worthless lives. On the other hand unscrupulous investigators will evade just punishment thereby. For details I refer to the enclosed booklet III.

"From the reports which have been submitted to me, and the numerous petitions and applications addressed to me, I gather, that a vast part of the population throughout the Reich is deeply troubled by these measures. The cause of this anxiety is not so much the fact that human beings unfit for life are being mercilessly put to death, but rather the fact that these measures are kept secret, and, as the people thinks, in its ignorance of the degree on which they are based, are deprived of legal foundation. This gives birth to the fear that decisions might be taken, which are not fully justified. The confidence in the German medical profession, especially in the administrations of sanatoria and asylums, is being badly shaken. Views are expressed, that such cases of death may be traced back to medical errors, and that mental



Court No. 1

patients are being used for military experiments, i.e. for the testing of poison gas and other means of warfare. Others rumors reveal the fear that the food situation must be precarious if such measures are taken to liquidate a few hundred thousand insane people.

"Evidence on these matters has been gathered together in the enclosed booklet IV.

"Owing to the fact that these measures for the liquidation of persons unfit to live are not within the competence of the Reich Administration of Justice I take the liberty to refer these occurrences to you.

Signed: Dr. Schlegelberger"

The next document is NO-189 on page 56 of the Document Book, Prosecution Exhibit 398. It is a report on the "Inauguration of the Archbishop of Paderborn. I would like to read the third page of this document which is page 58 of the Document Book.

"The Kapitularvikariat, Paderborn, 12 August 1941.

"According to inf's rumors, the correctness of which cannot be doubted, almost 2000 patients, children and adults have been dispatched for killing and cremation from the institutions for mentally ill and feeble-minded persons of Warburg, Warstein and Rickelborn in the area of the arch-diocese of Paderborn in the name of the fifth commandment of God, which had hitherto been the basis of penal legislation of all civilized states, in the name of humanity, the most fundamental laws of which are being, horrible, violated in the name of the innocent victims and their relatives in their boundless pain is being inflicted, I object to this systematic mass murder. Among these unhappy human beings who are destined to be killed or have already been killed, there are many who aside from partial disturbances are mentally completely clear and who know what is going to happen to them. The Catholic population of our episcopate has become immensely agitated about these happenings which are absolutely incomprehensible to them. The rumors circulating about the last days of these people destined to be killed and about their treatment devoid of all human feeling at the station



Court No. 1

where they had to wait for the death call and during the transport, will still increase this agitation. There are details which cannot be repeated because of their dreadful nature. The faithful part of the population is deeply distressed by the thought of the judgment of God, which, according to the Catholic catechism, this crying sin of violation of the holiest commandments of God will draw upon our whole nation.

"I beg you, very esteemed Landeshauptmann, to use all your influence in order to put an end to this mass murder of innocent people.

The Kapitäl-rviker;

signed: Süssner

To the Landeshauptmann Kolbow, Senator/Ratsherrin."

This ends for this time my presentation on Euthanasia. Mr. McNaney will proceed on page 64 of the Document Book.

MR. MCNANEY: I would like at this time to introduce into evidence two judgments, one being an Austrian Court and the other being a German Court judgment, against certain defendants who were accused of murder because of their participation in the Euthanasia program.

THE PRESIDENT: Are those documents contained in the Document Book or are they separate?

MR. MCNANEY: Yes, Your Honor. The first one - the basis on which the objection is about to be offered - is NO-317, on page 64. This is not the judgment but the indictment of an Austrian Court.

DR. FROESCHMAYR (defense counsel of Viktor Brack): Mr. President, I object to the presentation of Document 317. It cannot be clearly seen from this document what the Prosecution actually wants to prove with this document. The evidence contained in these documents, namely the indictment and the verdict of an Austrian Court, does not refer to any of the defendants themselves. Therefore, it cannot be presented as direct evidence against any of any one, of the defendants. Furthermore, this indictment and verdict came from the immediate time after the capitulation and, therefore, is not a captured document

Court No. I

either which would be covered by the signature of the two gentlemen who have signed this document prior to its presentation. It can only be assumed that Prosecution wants to clarify to the Tribunal with these documents how an Austrian court maintained its attitude toward this question of Euthanasia. However, this does not mean anything, but to try to teach the Tribunal as to what legal conception was maintained by an Austrian Court and an Austrian Prosecution. However, to find the law or formulate it is the business of the Tribunal. Therefore, there can be no evidence presented for this purpose by Prosecution or by the Defense. Therefore, I request that this document be not admitted.

Court No. 1

MR. McHANEY: If the Tribunal please, the prosecution offers these judgments for two reasons; firstly and primarily to put before the Court the holdings of other Tribunals on the precise question here at issue; namely, the legality of the so-called "euthanasia" program. One is a judgment of an Austrian court. However, I think reference is made in the judgment to the German statutes which were in existence at the time the alleged crimes took place and there is a discussion in here about the applicability of the facts proved as against the existing German law at that time. Of course, the second judgment is that of a German court and the ruling upon the legality of the so-called "euthanasia" program under German law. But secondly we also offer them for the purpose of proving the facts found in the judgment. I am not terribly concerned about the second point but without any question the Tribunal is at liberty to attach evidentiary weight to the facts found in these judgments which are in a large part, incidentally, based upon the confessions of the defendants involved and the judgments on their face show that the acts of the defendants being tried were part of the broad "euthanasia" program. For example, the first Vienna court judgment concerns the killing of children under the organization which is shown on the left hand side of the chart. We're offering the documents for both of those purposes.

THE PRESIDENT: These documents being judgments of Austrian courts might well be cited as declaring the law instead of an argument. The Tribunal is of the opinion that they should not be received as evidence. Their authority is to be cited as the holdings of a court, but the Tribunal is of the opinion that they do not properly constitute evidence. Consequently, the objection will be sustained.

MR. McHANEY: If the Tribunal please, do I understand that the ruling precludes the reading of these documents? In other words, we are presented with the problem of bringing these documents to the attention of the Tribunal and we certainly prefer to do it either under the process of judicial notice or by introducing them into the record as evidence.

THE PRESIDENT: These documents as trial records might well be included in any brief that might be filed on a question of law. The Tribunal does not think that the record should be encumbered with procedure as that. They are authorities and decisions on points of law by other courts and should be cited as such and might be regarded by the Prosecution as such.

MR. McHANEY: I do not want to labor the point but I would like to call to the Tribunal's attention that Ordinance No. 7 does provide that judgments in record of other military tribunals, namely those of Allied nations, which -

THE PRESIDENT: Do you contend that these are judgments of a court of any Allied nation?

MR. McHANEY: Not at all, Your Honor, but we take the position that the Court is at liberty to receive such documents in evidence and to attach weight as evidence to the findings of such tribunals in spite of the fact that these are not findings of Allied tribunals. If it were an Allied tribunal I feel that under Ordinance No. 7 they would necessarily be admissible under Ordinance No. 7. I am simply urging that the Court may receive them.

THE PRESIDENT: Properly certified copies of these judgments might be filed with the Tribunal in support of arguments on questions of law. The Tribunal is of the opinion that they should not be received in evidence. The objection is sustained.

JUDGE SEBRING: How many of them are there, Mr. McHaney?

MR. McHANEY: No. 317, on Page 64....

DR. FROESCHMANN (Defense Counsel for defendant Viktor Brack): Mr. President, may I perhaps answer your question? This objection refers to Documents Nos. 317, 445, 446, 447, 577, 705, 706, 707, 708 and 709.

THE PRESIDENT: The Tribunal has ruled on the objection to the admissibility of Document No. 317 only. The other judgments or whatever they may be have not yet been called to the attention of the Tribunal. If these other documents are exactly like this document it might be



14 Jan 47-A-JP-13-2-Karrow - sw  
Court No. 1

assumed that the ruling of the Tribunal would be followed, but we do  
not know if they are similar or

Court No. 1

have points of difference.

MR. McRAE: Document No. 317, page 54 of the English document book, is an indictment filed at Vienna, Austria, against three named individuals and also is part of the same document, beginning on page 68 of the English Document book, the Court will find the judgment of the Austrian court. The next document .....

DR. FROESCHMANN: Mr. President (interrupting).....

THE PRESIDENT: The Prosecution may want a check of the record as formal offer of proof.

MR. McRAE: The next document is H. 577 at page 79 of the English document book which is an indictment filed by the Chief Prosecutor of the district Court of Berlin and for purposes of the record we offer this document as Prosecution Exhibit 399.

THE PRESIDENT: Is the document of the same nature as the one previously offered?

MR. McRAE: It is, your Honor. This is an indictment filed by a German court against two named individuals for participation in the "Austrian" program.

DR. FROESCHMANN: I would raise the same objection again for the same reasons.

THE PRESIDENT: Objection is sustained.

MR. McRAE: The next document is on page 86 of the English document book Document No. 445. This is the judgment of the District Court of Berlin based upon the indictment which was previously offered as Document No. 577, Prosecution Exhibit 399. I now offer Document No. 445 as prosecution exhibit 399.

THE PRESIDENT: Is there the same objection on the part of defense counsel?

DR. FROESCHMANN: Yes.

THE PRESIDENT: Objection sustained.

Court No. 1

MR. KENNEL: The next document is No. 446 on Page 103 of the English document book. This is a judgment in a criminal proceeding against one Karl Kialling which is referred to in the judgment by the District Court of Berlin in Document No. 445 and it was inserted in the document book in case the Tribunal wished to refer to that judgment. It does not deal with "euthanasia" and I will not at this time offer it.

The next document is at Page 105 of the English Document Book and is Document No. 447 and this is a decision on appeal in the action against Hilda Wehrnicka and Helen Bieszkorek who were found guilty by the District Court of Berlin as shown by Document No. 445. and the Prosecution offers this as Prosecution Exhibit 399.

DR. FROESCHLAGE: I object for the same reasons which I have previously given.

THE PRESIDENT: Objection sustained.

MR. KENNEL: The next document is on page 122 of the English document book and is No. 705 and this is an extract from the German penal code; namely, paragraph 211 a.V. and paragraph 211 a.F. I should think that quite possibly this document and several of the succeeding documents might properly be admissible in the record as they are extracts of German law. The Prosecution offers Document No. 705 as Prosecution Exhibit 399.

DR. FROESCHLAGE: I object to this document because this is not a verdict but it is a law from the German criminal code and therefore it cannot be presented as evidence but perhaps only as an argument it can be used in that manner in the pleading of the prosecution.

THE PRESIDENT: The opinion of the Tribunal is that this law might be used as a matter of argument and cited by the prosecution but that it should not be admitted in evidence in the record. Objection is accordingly sustained.

MR. KENNEL: The next document is on Page 123 of the English Document Book and is No 706. This is an extract from a report on the work of the Criminal Commission on Criminal Law published by Dr. Franz Gartner, Reich Minister of Justice

Court No. 1

in 1935. The particular extract is on page 127 of the English Document Book, the paragraph next to last at the bottom of the page, beginning "Granting permission to liquidate unworthy life is entirely out of the question." The Prosecution offers this document as Prosecution Exhibit 399.

DR. PROLSCHKE: I also object to this document for the same reasons as I gave in the case of Document No. 705.

MR. MARNEY: I say say that I think there were a large number of such excerpts which were admitted in evidence by the International Military Tribunal. However, I think it is largely a question of expediency. If the Court prefers these matters to be advanced in briefs as a matter of argument rather than be included in the record that is perfectly satisfactory with the Prosecution.

THE COURT: The Court is of the opinion that such a matter as this might be more properly submitted by way of a brief in argument rather than be admitted in evidence and thereby encumber the already long record. The objection to the admission of this document in evidence is sustained. Of course, when presented by counsel as a matter of argument the document will then be considered and given such weight as the Tribunal thinks it should have as a matter of law.

In this connection I would ask Counsel for Defense if they would admit the authenticity of this law which was last stated, and of this document which is at present before the Tribunal. If the defendants admit that actually that was the law - if they admit that this book containing this paragraph was actually written then they could properly be used in argument. If that would be disputed then it might well at some time be the subject matter for proof but if there is no objection by defense counsel - I don't mean that such a book was written - then it would be a matter for argument and not for the record as evidence. Do I understand that the defense counsel admits that such a book was written by the man purported to have written it?

DR. PROLSCHKE: Mr. President, I admit that in the new and old edition of the German criminal code those provisions were contained as are stated here



in Document 705. IURA NOVIET CURIA.

THE PRESIDENT: Does any other counsel for the defendants challenge that statement?

MR. BELMONT: I would like to .....

THE PRESIDENT: Just a moment, counsel.

Hearing no challenge from any other defense counsel it will be assumed that the law referred to was actually a common statute at the time it purports to be such a statute. In regard to this Exhibit 705 is there any question. That is on Page 127 - the paragraph referred to. On 123 it states the title of the book.

DR. FRED SCHLES: We do not argue on this point, for my part. We do not contest it.

THE PRESIDENT: Is there any challenge by any other defense counsel to the fact such a book was written at the time it is purported to have been written and by the person who purports to be the author? Hearing no such challenge it is assumed none is made, and none will be received later. These matters then may be used as a matter of argument by the prosecution.

The objection to the admission of Document 706 is sustained.

MR. MC HANEY: We come to Page 130 of the English Document book, which is document No. 707, which is an extract from the German Criminal Code, Paragraph 211, and I understand this to be the so-called old version of Paragraph 211, whereas the one we have previously offered as document 705 is the so-called new version. I offer this Document 707 as Prosecution Exhibit No. 399.

THE PRESIDENT: Is the authenticity of this quotation from the old Statute admitted by counsel for the defense?

MR. GAVLIN: Yes, your Honor.

THE PRESIDENT: Is there any other challenge on the part of defense counsel to this statement? There being none the objection to the admission of this offer in evidence is sustained.

MR. MC HANEY: The next is Document No. 708, at page 131. This is an extract from a legal commentary by Dr. Ludwig Ebermayer and Dr. Adolf Lobe. It is the edition of 1929. We wish to offer this document for the purpose of reading the extract from Page 132. The first full paragraph reads: "Euthanasia is punishable either according to par. 211, 212." etc. We offer this as Prosecution Exhibit No. 399.

THE PRESIDENT: The authenticity of this book or pamphlet which ever it is, is it admitted by counsel for the defense?

DR. PROESCHMANN: We do not contest the authenticity of this document. However, we want to state that this is only the legal opinion of the three authors.

THE PRESIDENT: I understand this commentary is a private work, and was without official authority, and carries weight only as the opinion

of the author. The authenticity of the book, the fact it was published is not denied or disputed by defense counsel.

MR. MC HANEY: The next document, page 134 of Document No. 709, which is an extract from Jr. von Olshausen's Commentary on the Penal Code, the 12th revised edition, which is offered for the purpose of reading the paragraph on Page 136. Beginning "No right to mercy killing replacing the certain cause of death, which is painful," etc., it is offered in the record as Prosecution Exhibit No. 399.

MR. PROESCHMANN: I object to this document for the same reason I objected to No. 708.

THE PRESIDENT: Does defense counsel challenge the fact that such a publication as this was written, printed and published at the time it purports to have been by the person by whom purports to have been written?

MR. PROESCHMANN: No, Your Honor.

THE PRESIDENT: Is there any challenge from any defense counsel to that fact? There being no objection to the admission in evidence of this document, the offer of the exhibit is sustained.

MR. MC HANEY: We come now to Document No. 823 on Page 138 of the English Document book, and this is offered as Prosecution Exhibit No. 399. This is a very long confidential memo written by Lester Traune on 9 July 1940. He was director of the Central Committee for the Home-Mission of the German Evangelical Church. I wish to read only a few extracts from this memo, the subject of which is "Planned Economy Removal of inmates from Mental Institutions."

"In the course of the last months, it has been observed in various parts of the Reich that a great number of inmates of mental institutions have been transferred for reasons of 'planned economy'; that in some cases they are moved several times, until after a few weeks the news of their death is received by their relatives. The uniformity of the measures and also the uniformity of circumstances banishes any doubt that these are measures planned on a large scale by which thousands of human beings 'unfit to live' are being done away with in a certain way. Some are of the opinion that for reasons of Reich defense it is necessary to kill off these useless eaters. The opinion is also voiced that for reasons

of the improvement of the German race, it be essential to eliminate as quickly as possible the mentally diseased and otherwise incurable cases, as well as those human beings who are abnormal, asocial and antisocial. It is estimated that a hundred-thousand and more people may be concerned. In an article by Professor KRAE in the April issue of the 'NS-Volksdienst' the number of those whose liquidation would probably be desirable is indicated as exceeding one million. There now are probably thousands of Germans who, without legal justification, have been done away with or whose death is imminent. It is mandatory to abolish this procedure as quickly as possible as the morale of the people is thereby heavily undermined. The invulnerability of human life is one of the pillars of any form of Government. If killing is to be ordered, valid laws must be the basis of such measures. It is impossible that ill people are constantly done away with without careful medical examination and without any legal protection, also without bearing the opinion of their relatives and their legal representatives, simply for reasons of usefulness."

I skip now to Page 141 of the English Document Book the second paragraph from the bottom of the page:

"In order to determine the approximate number of persons having died in Grafeneck, I call the attention to the fact, that the urn of the Mr. Reimer who died on 10 April 1940 bears the number A. 698, while the urn of another man who died on 12 May 1940, also in Grafeneck, Max Breisow, bears already the number A.1092. As the whole institution has in normal times not more than 100 beds, this can only be the number of the death cases. According to that 595 people died in 33 days. This would mean 18 deaths per day in an institution with approximately 100 beds. This final conclusion does not seem to be impossible in the light of the fact that in the course of 1 to 2 months 300 patients were transferred from Podburg-Heu to Grafeneck, from Buch also some hundreds, from Hueskenmuehle about 150 and from Wuerttembergian institutions an additional great number not known to me."

"A second region where these observations were made to a greater ex-



tent, is the country of Saxony. There the State Mental Institutions were concerned by these measures at first. These are the institution Fohrenweittschen near Westowitz, Grossschweidnitz near Leoben, Arnsdorf and Hubertsburg and Sadrasch. In the first mentioned institution the number of death cases amounted:

	in 1938 to about 60
	in 1939 to about 102
until 15 May	1940 to about 134.

In the institution Grossschweidnitz the number of death cases amounted to:

	1938	30
	1939	141
until 26 May	1940	338

While it is true that in normal times about 12 patients died in a quarter of a year, in 1940 125 patients have already died in the same period of time. The increased death number of the year 1939 is exclusively from the last quarter. General weakness is mostly stated as death cause. There is a similar situation in the institution Arnsdorf, where the number of deaths amounted:

	in 1938 to 101
	1939 to 200
until 26 May	1940 to 101

This means an increase of about three times over the normal death rate.

It has been established beyond doubt in the seven institutions, by visits, that the death rate is increased by depriving the patients of food. The food is diminished, as it is reported by reliable persons, to a daily value of 32 to 34 Reichpfennig. As it is impossible for the patients to live on that they are given a medicine (Paralith by force, whereby they are falling into an agathic condition. By verbal and written reports it is pointed out in a dramatic way, how the patients cry again and again their "hunger, hunger!" Employees and nurses who cannot bear that any longer have stilled some hunger with their private means but the result

is absolutely clear. Hundreds have died a quick death in consequence of these measures.

"But this does not only concern patients, who are mentally absolutely dull, but in the contrary patients, which are realizing rather exactly these procedures and noting the number of funerals per day. One report describes the deathly fear of a patient who was fully aware of the fate in store for him and his fellow-sufferers.

"In Saxony the former penitentiary 'Zeldheim' has been renamed in consequence of these measures to 'Mental Institution.'

"From this so-called mental institution, too, came suddenly death notices, always in identical form, to the relatives, who did not know any thing about a transfer, saying that the patient has died of influenza, heart weakness or some other disease. His body had to be cremated immediately because of danger of spreading diseases, the clothes had to be burnt likewise or were handed over to the National Socialist Peoples Welfare."

MR. MC HANEY: We turn now to the following Page, 145. The first full paragraph:

"The persons who died, as per enclosed letter, probably were not insane at all but were merely inmates of above mentioned penitentiary 'Zeldheim' in Saxony:"

THE PRESIDENT: From what page are you reading, counsel?

MR. MC HANEY: Beg pardon, Sir?

THE PRESIDENT: What page?

MR. MC HANEY: 144.

THE PRESIDENT: I thought I understood you to say 145.

MR. MC HANEY: I think I did, Your Honor, but it is page 144.

"--In one case it is said that initial steps had already been taken for release from the institution. At any rate the relatives do now know that their loved one was incurably sick. The 'letters of condolence' seem to be made according to a general pattern which perhaps is fitting for feeble-minded and epileptics. But it hurts when the letter always repeats the phrase: 'In spite of all medical efforts..... we did not

succeed in saving your husband's life.' Since the City of Brandenburg has its own crematory a cremation of the dead is quite possible particularly since the Neuenburger Street has a special exit."

We now turn to the next page of the document, which is page 149 of the English Document Book, the first full paragraph:

"If they are giving as a reason for this measure that the food situation of our nation requires the elimination of useless eaters, I have to reply that even in the case of killing one hundred thousand persons, among 1000 healthy only one sick would be killed, which is of no importance at all for the food situation. Nor can they offer as a reason that the occupation of the existing buildings and rooms is considered a waste from the point of view of national economy. After all these buildings had first of all been erected for the sick, and at the outbreak of the war the very institutions have put at disposal ten thousands of hospital beds without restricting the care of the sick beyond a supportable measure. It is true that the sick, too, shall participate in the burdens of the war, but this is still far away from a systematic destruction.

"We are therefore confronted with an emergency state that affects deeply all who are familiar with the problem, that destroys the tranquility within many families and threatens to develop into a danger whose consequences cannot be foreseen.

"The competent authorities are requested to see that those disastrous measures be abolished and that the whole complex of questions be first examined from the legal, medical, ethical and state-political point of view, before they decide upon the fate of thousands and ten thousands of beings."

It is signed "Fester Brand, 9 July 1940."

THE PRESS: The Tribunal will now recess until 3:30 o'clock tomorrow morning.

CORRECTED COPY

Official transcript of the American Military Tribunal in the matter of the United States of America against Karl Brandt, et al, defendants, sitting at Nurnberg, Germany on 15 January 1947, 0930, Justice Seals, presiding.

THE MARSHAL: The Honorable Judges of Military Tribunal 1.

Military Tribunal is now in session.

God save the United States of America and this Honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, ascertain if the defendants are all present in the courtroom.

THE MARSHAL: May it please the Tribunal, all the defendants are present in the courtroom.

THE PRESIDENT: The Secretary General will note for the record the presence of all the defendants in the courtroom. The prosecution may proceed. Due to defects in the sound transmission, the Tribunal will take a recess.

( A recess was taken.)





COURT I

THE PRESIDENT: The Prosecution may proceed.

DR. HOCHWALD: The next document I want to present is on page 157 of the English Document Book, 624, PS, which will be Prosecution Exhibit No. 400.

"The State Bishop Stuttgart, 6 September '40

"To the Reich Minister of Justice

"Dr. Guertner

"Berlin W

"Wilhelmstrasse 65

"Dear Reich Minister:

"Permit me to inform you of a second letter I have sent to the Reich Minister of the Interior concerning planned extermination of insane, feeble, and infirm compatriots. This thing is growing into a great danger and scandal I would appreciate it very much if you, Reich Minister, permitted me to present...."

THE PRESIDENT: Apparently defense counsel is not receiving the translation. Is the transmission system now in operation?

INTERPRETER: Yes, Your Honor, it is.

THE PRESIDENT: Counsel will begin the reading of the document over again.

DR. HOCHWALD:

"To the Reich Minister of Justice

"Dr. Guertner

"Berlin W

"Wilhelmstrasse 65

"Dear Reich Minister

"Permit me to inform you of a second letter I have sent to the Reich Minister of the Interior concerning

15 Jan 47-14-EH-2-1-Lesser (JX)

COURT I

planned extermination of insane, feeble, and infirm compatriots. This thing is growing into a great danger and scandal. I would appreciate it very much if you, Reich Minister, permitted me to present you next Wednesday, September 11, further details about the matter with corroborating documents. Notification if and when I may be

COURT I

received is requested care of Dean Keppler, Berlin NW 87,  
Holsteiner Ufer 16, phone 392950.

"Heil Hitler !

"Your

(signature) "D. Wurn"

The next document is on page 158, Document Number NO-  
846, which will be Prosecution Exhibit Number 401.

"The Archbishop of  
Munich and Freising

"Munich 2, 6 November 1940

"To the Reich Minister of Justice Dr. Guertner

"Berlin

"In spite of all precautions and threats, it has  
today become an open secret that questionnaires are requested on the inmates of mental institutions, their age, their regular visits, the duration of their illness, that the designated persons are taken in groups, during the night, by train or in busses to other institutions, to Grafeneck in Wuerttemberg, to Hartheim near Linz on the Danube, to Sonnenstein in Thuringia, and that after about a week their next of kin are informed from there that they have died suddenly. The relatives are at the same time informed that 'due to police regulations or for reasons of public health' the body has been cremated.

The relatives in their grief and their bitterness approach the church authorities and submitting the written announcement ask for a church funeral. The German bishops, without changing their fundamental standpoint with the regard to cremation, agree in such cases to a church funeral, because the cremation took place without the consent of the guardian or the relatives and against their religious conviction. But loud and louder is the cry from the circles of the German people for a statement from the German bishops on this fact, the official extermination of sick compatriots.

The formula of the oath of allegiance agreed upon in Article 16 of the Reich Concordate obligates the bishops "in the dutiful care for the well-being and interests of the German state to prevent any damage which might threaten it."

"The Archbishop of Munich, therefore, feels that he has the obligation by virtue of the Reich Concordate, not only by God's commandments, the unshakable basis of any public order" (Page 2 of original) and not only by the cries of the distressed people to raise before you, the Reich Minister of Justice, the complaint and the accusation that for months inmates of mental institutions have been done away with en masse, behind the walls of the institutions by means of euthanasia.

"The German bishops pronounced the Christian viewpoint on this question in a letter addressed to the Reich Ministry of Justice in 1934, when the draft for the New German Penal Law was under consideration, in which 'euthanasia and the extermination of life unfit to live' was mentioned. The German bishops at that time stated that euthanasia is incompatible with the Christian moral law, adding: 'The same is true of the killing of the incurably insane.' An opinion drawn up by the German bishops on this question, explained this viewpoint in detail in a memorandum addressed to the official penal code commission in the same year 1934. In 1936 there appeared the second edition of the book 'The Coming German Penal Code' edited by you the Reich Minister of Justice; this book contains on page 375 in the paragraph in the



15 Jan 47-M-PJC-3-1-M-by (MSD)  
Court No. I

new petition of the German bishops of 11 August 1940:

"Consent to the extermination of so-called life unfit to live is  
out of the question. In the main severely insane persons and complete  
idiots are

concerned. The National Socialist state is trying to prevent the arising of such cases of degeneration in the body of the nation by extensive measures, so that they will have to become more and more rare. But the strength of the moral standard of the prohibition against killing must not be weakened by the fact that exceptions are made for reasons of pure expediency in the case of victims of serious illnesses of accidents, even if these unfortunate ones are united to the body of the nation only by their past or by their external appearance.'

"According to this statement, the Episcopate had to assume that the endeavors to exterminate life unfit to live would be refused any legal or other state sponsorship. The developments of the last few months, which have brought about mass deaths of the inmates of mental institutions have frustrated this hope and caused the chairman of the Fulda conference, Cardinal Bertram of Breslau, once again to raise a warning voice in the name and on the behalf of the German bishops in a letter addressed to the Reich Chancellery, attention Reich Minister Dr. Lammers, under date of 11 August 1940. I assume that the wording of this letter from the German bishops dated 11 August 1940, from which I take the date given above regarding its antecedents is known to the Reich Ministry of Justice.

"The inalienable and unchangeable paragraph of the natural moral order: 'Thou shalt not kill' has been taken over without restriction into the Christian moral code. It is left to God, the Creator of life, the master of life and death, to determine the hour of death. The wilful extermination of life, of one's own life by suicide, of the life of others by killing, is stigmatized by the law of God as criminal interference in the moral order. Natural as well as Christian moral law entitles the state authorities to call upon the man able to bear arms to defend their fatherland even at the sacrifice of their lives. The state authority furthermore carries as the 'order of God', 'the sword not for nothing' and has the right to inflict the death penalty for especially serious crimes committed against the moral order. In

15 January 47 ~~M. J. C. 3.2~~ Malby (MSD)  
Court No 1

the Christian world order, however, a more extensive right, for instance  
the right to kill life unfit to live by euthanasia, for reasons of  
euthanasia or even for the reasons of national economy, is not recognized.

Even if a state law should exempt such actions from punishment, such a law could not be granted inner justification within the Christian world order.

"According to the Christian ideology, ill and suffering human life, not only fighting and economically valuable life, has a vocation to fulfill, within the whole of the people, which can, it is true, be recognized only in faithfully looking up to divine providence. Even the sick person has a right to be evaluated not only according to his economic value. As it is known that particularly these individuals working under greatest mental tension are in danger of mental exhaustion, it is very likely that among those who are killed through euthanasia there are also people who formerly excelled in their work for the common welfare, and those who lost their nerves and the clarity of their minds in the last World War.

"The civilized nation, even if it does not consider itself as purely a nation of welfare, has in the school of Christianity, cared in a generous way for the rescue of sick lives. It has trained physicians, set up hospitals and mental institutions, and established in the German nation a welfare system for sick persons which sets an example for others. It would be a terrible contradiction to the past of our nation, if today the state should be given the right to exterminate sick persons, only because the nursing of these patients would divert valuable nursing personnel from their work on the nation as a whole or because the houses of the sick are to be emptied for repatriated compatriots, as is reasoned in the present case. We cannot believe that men of medical science, who chose the high profession of saving and maintaining sick life, could turn their medical profession to the contrary by aiding the extermination of sick lives. It is even harder to believe that the public administration of law should leave one of its highest rights - the right to condemn to death - to men of medical science.

"The victims of euthanasia are not criminal but sick people. In



15 Jan 47 M.FJC-33 Maloy (MSD)  
Court No. 1

individual cases, insanity can result from alcoholism, sexual excesses, or can otherwise be the victim's own fault. But to most cases the saying applies: Neither he nor his parents have sinned. And not only complete idiots or other absolutely unworthy life is concerned. There are those among them who can work from time to time in field and garden and in workshops, such as the

epileptics. And they were not only inmates of state institutions, the church authorities were told. It can be proved that inmates of purely charitable institutions were also earmarked for death and killed by detouring them through state operated institutions.

"Dear Reich Minister of Justice: It is not my intention to raise the old question of whether the state is the only source of law and whether a legal order worthy of humanity can be built upon the slogan: 'What benefits the nation is right.' But I consider it my duty to point out that it will not be of benefit to our nation, if in wide circles of the people - the inmates of the institutions are from all Gays and from all classes of the population - faith in the word of state officials should cease. Today this faith is deeply shaken by the euthanasia program. Nobody believes that the patient really died suddenly of a disease, of a heart disease or of appendicitis. Nobody believes that the body had to be cremated 'for public health reasons' and 'because of danger of contagion.' These statements cannot hold up under subsequent investigation, which may be expected in state based on law (Rechtstaat). In earlier communications the official even expressed his sympathy to the relatives. One can imagine the comments the people made about this 'sympathy.'"

"It cannot be lawful and of benefit to our nation, if through such a proceeding of the state health service the value of the individual human life and the right to live at all is so degraded and thus the morale of the nation deeply shaken. There will always be people who from mistaken pity speak of a 'deliverance' of the incurably ill. But, they become meek immediately if they are reminded that through an accident or a disease they themselves might be put in the same situation, even if they are still healthy today. But if someone should refer to Nietzsche, to the man who declared that pity and loving care is nonsense, then we would have to tell him that Nietzsche himself during later mental illness had to depend on this loving care himself, and that Nietzsche, the man who has in his books repeatedly pronounced incredible invectives against the German people, does not represent for us an authority on moral questions."

DR. FROLSCHMANN, (Counsel for Viktor Brack): Mr. President, the Document which is just being read by the Prosecution, is only contained in part in our Document book, so that we are completely unable to follow the Prosecution. I therefore request that the Prosecution furnish us with a complete Document.

MR. HOCHWALD: The counsel for Defense will receive a complete copy of this Document.

THE PRESIDENT: The counsel for the Prosecution has stated that a complete Document will forthwith be furnished for the Defense. The Prosecution will see that that is done as soon as possible.

MR. HOCHWALD: I will read from the bottom of Page 163:

"The man who has in his books repeatedly pronounced incredible invectives against the German people, does not represent for us an authority on moral questions. How much public morale must be undermined, if the individual human life in the family is deprived of value and rights in such a manner according to the example set up by those who practice euthanasia. Or if the individual, incited by pure materialism, should get the idea of killing a wealthy aunt, a predecessor on a hereditary farm, or some other

relieve-being, in order to make a place for himself or to procure for himself some other profit.

"It cannot be of benefit to our nation if the confidence in doctors and altogether in institutions is destroyed in the people by the extermination of seriously ill persons, who are considered to be people's parasites (Volksschneidlinge.). The compatriots put their sick relatives in the state or charitable institutions in good faith, the physically ill persons in hospitals and the mentally ill or feeble-minded persons in mental institutions. The state - charitable health service has accepted these patients in good faith. Nobody who is clear-minded can deny that a great disturbance has arisen in our people today, because the mass dying of mentally ill persons is discussed everywhere and unfortunately the most absurd rumors are emerging about the number of deaths, the manner of death, etc. The mysteriousness in the whole proceeding - the patients are sent for in the middle of the night, taken to their destination in cars with the windows covered, they are not allowed visitors -- of course does not help to silence these rumors. The panic has already spread to old people's homes and sanatoriums for patients suffering from pulmonary disease.

"I need not assure you, dear Reich Minister of Justice, that I have made the above statements out of pleasure in opposition. In this ethical-legal, non-political question, I considered it my duty to speak, because as a Catholic bishop I cannot be silent when it is a question of the preservation of the moral basis of all public order, and because I, as a German bishop, am obligated under Article 16 of the Reich Concordate, to prevent an injury, which in my opinion threatens our nation and to preserve for our reputation of being a civilized nation. We understand, if in wartime extraordinary measures are taken in order to guarantee the security of the country and the nourishing of the people. We tell the people that they must be prepared in wartime to endure great sacrifices, even sacrifices of blood, in a Christian spirit of sacrifice, and we meet with respect in the streets of the town the women wearing the black veil, who have sacrificed a beloved life for the fatherland. The inalienable basis of the moral order and the fundamental rights of the individual



cannot however be annulled even in wartime.

"I ask you dear Reich Minister of Justice for a reply to the above statement unless a reply has been given in the meantime to the joint petition of the German bishops and some particular petitions."

(Signature) Cardinal Faulhaber

Archbishop of Munich.

The next Document on Page 166 of the Document Book will be Prosecution Exhibit 402 and 615-PS:

"The Bishop of Limburg. Limburg/Inn. August 13, 1941.

"To the Reich Minister of Justice - Berlin.

"Regarding the report submitted on July 16 (Sub. IV, pp 6-7) by the Chairman of the Fulda Bishop's Conference, Cardinal Dr. Bettram, I consider it my duty to present the following as a concrete illustration of destruction of so-called 'useless life'.

"About 8 kilometers from Limburg, in the little town of Hadamar, on a hill overlooking the town there is an institution, which has formerly served various purposes and of late has been used as a nursing home, this institution was renovated and furnished as a place in which by consensus of opinion, the above mentioned Euthanasia has been systematically practised for months - approximately since February 1944. The fact has become known beyond the Administrative district of Wiesbaden, because death certificates from a Registry Hadamar - Loenenberg are sent to the home committee. (Loenenberg is the name of this institution because it was a Franciscan monastery prior to its secularization in 1803).

"Several times a week buses arrive in Hadamar with a considerable number of such victims. School children of the vicinity know this vehicle and say: 'There comes the murder-box again.' After the arrival of the vehicle, the citizens of Hadamar watch the smoke rise out of the chimney and are tortured with the ever-present thought of depending on the direction of the wind.

"The effort of the principles at work here are: Children call each other names and say, 'You're crazy; you'll be sent to the baking oven in

Hindenburg: Those who do not want to marry, or find no opportunity, say: 'Marry, never bring children into the world so they can be put into the bottling machine!' You hear old folks say, 'Don't send me to a state hospital!' After the feeble-minded have been finished off, the next useless actors whose turn will come are the old people."

THE PRESIDENT: Won't you read a little more slowly? The counsel for the Prosecution should read these Documents a little more slowly.

MR. HUCKLEBERRY: Yes, Your Honor.

"All God-fearing men consider this destruction of helpless beings as a crime injustice. And if anybody says that Germany cannot win the war, if there is a just God, these expressions are not the result of a lack of love of Fatherland, but of a deep concern for our people. The population cannot grasp that systematic actions are carried out, which, in accordance with Paragraph 211 of the German Criminal Code, are punishable with death. High authority as a moral concept has suffered a severe shock as a result of these happenings. The official notice that H.H. had died of a contagious disease and that for the reason his body had to be burned, no longer finds credence and such official notices, which are no longer believed, have further undermined the ethical value of the concept of authority.

"Officials of the Secret State Police, it is said, are trying to suppress discussion of the Hindenburg occurrences by means of severe threats. In the interest of public peace, this may be well intended, but the knowledge and the conviction and the indignation of the population cannot be changed by it, the conviction will be increased with the bitter realization that discussion is prohibited with threats, but that the actions themselves are not prosecuted under penal law.

"Facta loquantur.

"I beg you most humbly, Herr Reich Minister, in the sense of the report of the Episcopate of July 16 of this year, to prevent further transgressions of the Fifth Commandment of God."

(Signed) Dr. Hilfrich.

Court No. 1

The next document is on page 168 of the document book, 616-PS, Prosecution Exhibit 403. This is a letter from the catholic bishops of the dioceses belonging to the church provinces of Cologne and Faderborn to the Reich Ministry of Justice, and is on the same subject as the letter I read before.

The next document, on page 170 is Document 616-PS, Prosecution Exhibit 404 to the Chancellery of the Fuehrer care of Oberdienstleiter Brack.

THE PRESIDENT: Counsel, isn't that a continuation of the document?

MR. HOCHMILD: No, this is 616-PS. Of, yes, I am sorry. It is not a new document. It is page 3 of Document 616-PS, on page 170 of the document book. This is still Exhibit 403. I read only the third page of the document.

"To the Chancellery of the Fuehrer, care of Oberdienstleiter Brack or deputy, I send you herewith as other evidence the copy of a petition made in Cologne on 28.5.2941 by the bishops of the church provinces of Cologne and Faderborn. Heil Hitler, by order, to the Chancellery, 3 October 1941."

The next document is on page 171, NO-018, Prosecution Exhibit 404.

"Secret Reich letter, dated 19 December 1940, SS Standartenfuhrer Victor Brack, Staff-Leader at Reich-Leader Buehler. Dear Brack, I hear there is great excitement on the Alb because of the institution Grafeneck.

"The population recognizes the gray automobiles of the SS and think they know what is going on at the constantly smoking crematory. What happens there is a secret and yet is no longer one. Thus the worst feeling has arisen there and in my opinion there remains only one thing, to discontinue the use of the institution in this place and in any event disseminate information in a clever and sensible manner by showing motion pictures on the subject of inherited and mental diseases in just that locality.

"May I ask for a report as to how the difficult problem was solved.

Heil Hitler, initials by Heinrich Himmler."

The next document is NO-842, on page 172 of the document book, Prosecution Exhibit 405.

"Wittermund Viktor Brack, Oberdienstleiter, dated Berlin, 18 April 1941, Strictly Confidential.



COURT I

"My dear party comrade Dr. Schlegelberger: (Handwritten)  
Top Secret.

"According to agreement I send you herewith a folder with various forms wanted for the ascertainment and partial medical preparation, another folder with forms for further clerical elaboration resulting from the death of the patient. The records are secret, however, and I would appreciate, if you would keep them under lock and key. Some more things, are of course necessary, for proper recording and administrative routine, but I do not believe that they are of any interest to you. Thereto belong, for instance the death notification to the relatives of the patient. These are to be kept somehow different according to the district and kind of relatives; they must frequently be altered to avoid stereotyped texts and therefore sample letter would only irritate. I would like to call your attention especially to the card files No. 13 and 14; on their reverse sides you will find a list of authorities who are to be informed.

"When reviewing the files again which you put at my disposal I found some details which ought to be clarified and settled; I would be thankful to you for doing so. Therefore I shall forward them to you individually Monday or Tuesday next week. Heil Hitler, Respectfully yours, (signature) Brack."

The next document is on page 174 of the document book, NO-843, Prosecution Exhibit 406, and has again the letterhead Viktor Brack, Oberdienstleiter, dated Berlin, 4 August 1941, to State Secretary Dr. Freisler, Reich Ministry of Justice, Berlin.

"Dear party comrade Freisler, Reichsleiter Buhler, who



15 Jan 47-M-JP-5-2-Ninabuck-(AX)

COURT I

at present is absent from Berlin, commissioned me to express his gratitude for sending us the camp reports. The report of the President of the Appellate Court in Frankfurt shows that he considers the form of the information letters as very awkward. I would be grateful to you if you would let me have the copies of the letters in question in order to establish their dates, because just in that very institution a change of management took place recently. I will admit that the last manager has been partly wrong tactically. With my best thanks for your

COURT I

efforts in advance. Heil Hitler, your Brack."

I would like to offer now into evidence NO-115. This document is not in the document book but will be handed up. It should be in the German document book, however. May I read this document, your Honor? It is NO-115 which will be Prosecution Exhibit 407.

THE PRESIDENT: Have copies of this document been furnished to defense counsel, German counsel?

MR. HOCHWALD: The counsel for the defense have received copies of this document. This document is dated Stuttgart, 19 July 1940. "The Bishop of Wuerttemberg to Dr. Frick, Reichminister of the Interior." And I want to point out here that this is the letter to which Document Number 626, I think it is -- just a minute -- 623, refers, which is on page 157 of the document book.

"The bishop of Wuerttemberg to Dr. Frick, Reichminister of the Interior. Esteemed Minister...."

THE PRESIDENT: What is the number of this document as an offered exhibit.

MR. HOCHWALD: The number of the document I am reading, sir?

THE PRESIDENT: The exhibit number.

MR. HOCHWALD: The exhibit number is 407. 623-PS is 400, your Honor. The document I referred to just now was the first document I read today. This is 400, and the document which I am presenting now is Prosecution Exhibit 407.

"The Bishop of Wuerttemberg to Dr. Frick, Reichminister of the Interior. Esteemed Minister. For some months now...."

JUDGE SEBRING: Counsel, will you again advise the

15 Jan 47-M-JP-5-3-Ninabuck-(AK)

COURT I

Tribunal as to the number of the exhibit and the page upon which you said reference to this document was found?

MR. HOCHWALD: The page is 157. The document is Prosecution Exhibit 400, 62-PS.

JUDGE SEBRING: Is Prosecution Exhibit 407 the second letter mentioned in the first line of Exhibit 400?

MR. HOCHWALD: Yes, sir.

15 Jan - JF-5 - Winbuck

Court No. 1

JUDGE SEBRING: Upon what information do you base that statement, counsel?

MR. ROCHMELD: This is from the same writer and it is to, as it is stated here, to the Reichminister of the Interior.

JUDGE SEBRING: The other is to the Reichminister of Justice.

MR. ROCHMELD: Yes sir, but in the text you see, "Permit me to inform you of the second letter I have sent to the Reichminister of the Interior."

JUDGE SEBRING: And you maintain then, that this letter of 19 July 1940 --

MR. ROCHMELD: Yes sir.

JUDGE SEBRING: --is the one referred to?

MR. ROCHMELD: In 623-PS.

THE PRESIDENT: Counsel may proceed.

MR. ROCHMELD: "The Bishop of Munsterberg to Dr. Frick, Reichminister of the Interior. Esteemed Minister.

"For some months now, upon instruction of the Cabinet Council for



National Defense, insane, feeble-minded or epileptic patients of state or private asylums are being transferred to another institution. Relatives are informed of transfers only subsequently, even if they themselves bore the expenses of institutional care. Usually, a few months later, they are notified that the patient concerned had succumbed to an illness and that on the grounds of preventing epidemics, cremation had been necessary. According to superficial estimates, there must be several hundreds of these patients already from Württemberg alone, among them disabled veterans of the world war, who, in this manner, have lost their lives.

"Induced by many inquiries from country and city and by diverse circles, I consider it my duty to call the Government's attention to the fact that this affair has created a great stir in our little country. First of all, because one of the institutions concerned, the Castle Grafeneck, into which patients had been transferred and where a crematory and a registrar's office had been established, is located in Württemberg. Grafeneck is institutional property of the "Innere Mission", a foundation of samaritans, which in many places and for many years accepts and takes care of the physically and mentally ill. Upon instructions of the Ministry of the Interior of Württemberg, this institution was, at the outbreak of the war, transferred to the monastery Reute in Upper Swabia. Grafeneck was set aside for receiving patients gathered from all other institutions. The castle is located on an eminence of the Swabian Alb in a sparsely populated wooded territory, but the people from this vicinity are just the more interested in what takes place there. The sick transports that are unloaded on the small railway station at Harbach an der Lahn, the buses with their opaque windows which bring the patients from distant railway stations or directly from other institutions; the smoke emanating from the crematory which is visible even from greater distances — all this is disturbing the people so much the more, because no one has access to the castle.

"The other reason why such things are taken especially serious in Württemberg is the fact that symptoms of degeneration are not infrequent in our little country even in families of high mental or moral standing. This

is to some extent a consequence of intermarriage among relatives as a result of the long seclusion of the country. Thus, through these extermination measures against institutional patients a great many families even of the intelligentsia are affected. The very manner of the procedure is sharply criticized in these circles and special comment is made on the falsity of the statements given in this connection. Everyone is convinced of the fact that the officially stated causes of death are arbitrarily chosen. When finally, in the official death notice, regrets are expressed that in spite of all efforts it was impossible to save the patient's life, this is considered as mockery. Above all, however, the mysteriousness leads one to believe that something conflicting with justice and morals is going on and thus cannot be openly backed and supported by the Government, like other necessary and strict war measures of the State. In the numerous verbal and written assertions received by us, this point is emphasized over and over again, even by the common people. It appears also that very little discrimination was used in the selection of patients for extermination at least in the beginning. Selection was not limited to imbeciles but rather, especially among epileptics, those able to work were also chosen."

I do not want to read the whole document, and only read the last, the signature, "Heil Hitler, (signed) Wurm"

The next document is on page 176 of the document book, NO-872, an affidavit of the defendant Gerhard Rose, Prosecution Exhibit 408.

"1. Gerhard August Heinrich Rose, being duly sworn, depose and state:

"1. I am the same Gerhard August Heinrich Rose who has heretofore sworn to an affidavit on 13 November 1946 concerning my personal history and my official position. I have been duly warned that the following statement may be used against me in court.

"2. During my career which I described in the aforesaid affidavit of 13 November 1946 I came in official contact twice with Dr. Karl Brandt during his tenure of office. I am, therefore, able to make the following statement on my contact with Dr. Karl Brandt.

"3. I did research work in malarial strains, malarial injections for

therapeutic malaria on insane in various hospitals and malarial treatment for other forms of nervous diseases. In order to keep up those malarial strains, I had to work permanently with a certain insane asylum. In 1941 my patients in this asylum had to be evacuated as the institution was taken over and made into a Reich hospital or a municipal hospital of Berlin since many municipal hospitals there were destroyed or damaged by air raids. I, therefore, approached Dr. Karl Brandt and asked him to put an insane asylum at my disposal and to protect my patients insofar that no local authorities should be allowed to take over this place and to use it as a general hospital. He then put an insane asylum in Thuringia at my disposal and promised me that my patients could remain in that institution. He also made arrangements that this institution would not be converted into a general hospital in spite of the fact that with the advancing destruction of hospitals in Germany, many attempts were made to convert this asylum into a general hospital.

"4. The second time I had to approach Dr. Karl Brandt was in 1944. A most patients of insane asylums were considered hopeless cases - just inmates whose condition could hardly be improved - they received only standard food rations of the normal consumer population and not the food for patients in general hospitals which were considerably higher. With the continuous lowering of the food rations in Germany, rations in insane asylums became so low that I could not bear the responsibility of using malarial therapy on insane people and submitted, therefore, to the Ministry of Food a request that insane patients under malarial treatment should receive the usual food rations of patients of general hospitals. The Ministry of Food made some difficulties so I approached Brandt again and asked him to support my request. As a result of his intervention, higher food rations were issued to insane patients who were under malarial treatment.

"I have read the above affidavit, consisting of two pages in the English language and it is true and correct to the best of my knowledge and belief. This affidavit was given by me freely and voluntarily, without promise of reward and I was subjected to no duress or threat of any kind.

(signed) Gerhard August Heinrich Rose."



DR. HOCHWALD.- The next document is Document D-181, Prosecution Exhibit 409. The first page was by mistake not filed in the document book.

THE PRESIDENT.- Upon what page of the document book is that document found, Counsel?

DR. HOCHWALD.- The second page. The second page of the document which was filed in the document book, your Honor, is on page 178. The first page is loose. It would be in 177-B.

The letterhead is "National Socialist German Worker's Party, Gauleiter Westfalen-South, Rubber stamp of Kreisleiter. Reference: Hereditary Health Law," dated "Bochum, 21 January 37.

"Following instructions of the Deputy Gauleiter, I herewith inform you by copy of a circular letter of the Deputy of the Fuehrer dated 14 January 1937, No. 10/37.

"In the decree of the Reich and Prussian Minister of the Interior dated 22 August 36 regarding the application of the law for the prevention of descendants with hereditary diseases, Civil Service doctors are instructed to consult with Hereditary Health Law being instituted against a Party member. They will do so before making an application for sterilization on the grounds of congenital imbecility.

"The question whether the person is an imbecile cannot be ascertained solely by carrying out an intelligence test, but requires detailed evaluation of the whole personality of the human being. This review shall not only take into consideration the knowledge and intellectual abilities of the presumed imbecile, but also his ethical, moral and political attitude. A number of Civil Service doctors have up to date attached little importance to the reviewing of the personality as a whole. They have up to now hardly ever called for or used information regarding the political conduct of the supposed patient with hereditary disease.

"Now that the Party by virtue of the decree of the Reich and Prussian Minister of the Interior is consulted in the proceedings on matter of



15 January M.D.C. 6-1-Putty (MSD)  
Court No. 1

hereditary disease against Party members, it is the task of all  
Gaulleitors to ascertain that the law regarding hereditary health will,  
in fact, be used in

the sense in which it was designed. School masterly examination is not to be alone decisive in judging whether a person concerned is an imbecile. It is, in fact, to be ascertained as well how the person concerned behaves in daily life, whether he can meet the demands which life makes on an average person and whether he can be regarded as a full member of the community. If the Gauleiter, on the basis of this examination of the personality as a whole of the Party member, comes to the conclusion that the Law For The Prevention of Descendants with Hereditary Diseases is applicable, he must then investigate whether the person about to be sterilized has achieved very outstanding merits for the National Socialist Movement. If the Gauleiter reaches this conviction and feels that he must use his influence to prevent the sterilization, he will report to this department giving a detailed explanation of the reasons which speak against sterilization.

"The Reich and Prussian Minister of the Interior has ordered that Civil Service doctors will report to him any cases where the opinion of the Gauleiter differs from that of the medical officer.

"So as not to delay proceedings under the Hereditary Health Law unnecessarily, I also request information and explanation on each one of these cases, stating the reasons which have led to the difference of opinion.

"The Department for National Health is to carry out preparations for the decision of any case concerning Hereditary Health which has to be put before the Gauleiter. All matters of hereditary health will be treated as urgent and secret.

"Particular attention will be drawn in each case to the obligation of maintaining secrecy.

"I request that reports be made to me from time to time regarding experience gained in dealing with matters of hereditary health.

"I request you treat above exposition as strictly confidential and only for your own personal information.

Heil Hitler!

(signed) Raschenburg"

I think it goes without saying that according to Nazi Doctrine it was

15 January-16-DJC-6-3-Putty  
Court No. 1

considered that somebody was insane or not by whether he was a good Party member or not.

This finishes the presentation of Document Book No. 15. Mr. McHaney will now go on with the presentation of Document Book No. 16

THE PRESIDENT: Before commencing the reading of this document book, the Tribunal will be in recess.

(Recess)

THE MARSHAL: The Tribunal is again in session.

MR. McHANEY: May it please the Tribunal, the Prosecution at this point has introduced a considerable amount of documentary evidence concerning the Euthanasia Program in the German Reich. We first introduced the chart which is on the wall behind the witness box. Brack's affidavit told us the manner in which this program was carried out. He told us that Karl Brandt and Bouhler were the administrative heads of the whole program. Under Bouhler we see that Viktor Brack was his chief deputy. Under Karl Brandt we see the three corporate code names which were used to camouflage the operation of the program; The Reich Association for Hospitals and Nursing, the Charitable Foundation for Institutional Care, and the Patient Transport Corporation. We have put in a number of documents which carry one or the other of these names.

To the left, we see the Department for Questionnaires under Allers. And, you will recall that these questionnaires were sent to the office of Doctor Linden in the Reich Ministry of Interior under Conti; that Linden then distributed the questionnaires to the insane asylums and other institutions in Germany; there the questionnaires were filled out, and returned again to Linden's office; and, from Linden's office back to the office of Allers, where they were turned out to the so-called experts who studied the questionnaires and determined in the first instance when such patients were to be subjected to Euthanasia. The so-called top experts, Heyde and Nietzsch made a final review of these questionnaires, and the patients might then be sent to the observation institutions where the final check was made. And, from there we have seen that they were transported to the Euthanasia or Extermination Institutions, including: Grafeneck, Hartheimer, Hadamar, Bernburg, and others.

We have put in examples of the questionnaires which were used; we have put in the dry form letters under the letterhead of one of the three code names ordering transports to be shipped to the extermination centers; we have seen the transport lists; we have seen the stereotyped letters which were sent



by the Extermination Centers to the relatives of the individuals exterminated, where it was told the relatives that the so-called insane persons had died of pneumonia or some other disease; we have seen examples of the oath that the operators working in these institutions had to take, swearing them to secrecy, violation of which meant death; we have seen at least one letter from a doctor who was asked to participate, but who was able to refuse; we have seen letters to the Reich Ministry of Justice and Ministry of Interior expressing the deep felt indignation of the German people to this program; we have seen pitiful letters from persons inquiring about their relatives in the institutions; and, we have seen stereotyped death notices published in the newspapers.

We now come to several important documents showing how the program operated in the concentration camps; how persons who were not in Germany were brought there on occasions — persons forcibly brought to Germany from occupied countries and held in concentration camps, and were picked out by the Doctor's Commission sent out from these same institutions in Berlin for the concentration camps, to choose their victims for extermination.

I would first like to remind the Tribunal of certain statements made by the Defendant Hoven in his affidavit, which was introduced as Prosecution's Exhibit No. 281. That is Document No. 429, and we have included it in Document Book No. 16 beginning on page 1.

THE PRESIDENT: What is the number of this Exhibit?

MR. McHANEY: This is Prosecution's Exhibit No. 281.

And, I will now ask the Tribunal to turn to page 4, paragraph 9, where Hoven states:

"I became aware in 1941 that the so-called 'Euthanasia' program for the extermination of the mentally and physically deficient was being carried out in Germany. At that time the Camp Commander, Koch called all the important SS officials of the camp together and informed them that he had received a secret order from Himmler to the effect that all mentally and physical deficient inmates of the camp should be killed. The Camp Commander stated that

Higher Authorities from Berlin ordered that all the Jewish inmates of the Buchenwald Concentration Camp should be included in this extermination program. In accordance with these orders 300 to 400 Jewish prisoners of different nationalities were sent to the Euthanasia Station at Bernburg for extermination. A few days later I received a list of the names of those Jews who were exterminated at Bernburg from the Camp Commander and was ordered to issue falsified statements of death. I obeyed this order. This particular action was executed under the code name of '14 f 13'. I visited Bernburg on one occasion to arrange for the cremation of two inmates who died in the Wernigerode Branch of the Buchenwald Concentration Camp."

In addition to Hoven's statement, we have already here the testimony of Walter Neff, Ernest Viehweg, Eugen Hogen, and Ferdinand Roemhild, with respect to the operation of the Euthanasia Program in the concentration camps under the code name of 14 f 13. And, these camps, I might say, were widespread. Viehweg was from Dachau, Neff was from Natzweiler, and Hogen and Roemhild were from Buchenwald.

I turn now to Document No. NO-158, on page 7 of the Document Book, and this will be Prosecution's Exhibit No. 110. The first page of this Document is not particularly informative. It is dated March 18, 1942. It is on the letterhead of Gross Rosen, and it is addressed to the Asylum in care of Mr. Godenschweig, Bernburg. It is a receipt which is to be returned to the Concentration Camp Gross Rosen. We see at the bottom that it has been stamped "Asylum Bernburg" with the signature of Hirobe, to the right, showing he received it. The next page, however, is considerably more interesting.

This is a list of concentration camp inmates who came from Gross-Rosen to Bernburg, and this is a usual memorandum which was sent along to Gross-Rosen with the list. It is dated at Bernburg, 19 March, 1942, to the Camp Commandant, Concentration Camp, Gross-Rosen:

"Subject: Transport of 19 March, 1942.

Enclosed you will find a list of the camp inmates who arrived here on 19 March, 1942, from your concentration camp.

Heil Hitler,  
Signed: Hirche."

On the next page we find the attached list of inmates from Gross-Rosen, who were sent to Bernburg for extermination. That, if the Tribunal please, was an extermination station, and an extermination station alone. Roemhild testified and Nogan has told us in his affidavit that inmates were sent to Bernburg for extermination, so this, in effect, is a list of concentration inmates who were exterminated in Bernburg, and it is a rather interesting list. It includes 57 names. They were good enough to include the place of birth of those men who were executed in Bernburg.

The third name on the list on the first page, Bajgelmann Isak, indicated he was a Jew. He comes from a town in Poland. I will not read all of these names. I will just call to the Tribunal's attention that where Isak and Israel appears, those indicate Jewish inmates.

Dropping down to the third name from the bottom of the first page, we find Markuse, Esriel, Warszbau, indicating a Polish National, and the last name on the first page, Pollak, Heinrich from Lemberg in Poland.

On page ten of the Document Book we find again Jews listed with the name of Israel. The fifth name from the top, Hekel, Josef, listed from Tarnow in Poland.

Now defense counsel may argue that while these persons listed here were born in Poland or in Hungary or in Roumania, who knows they may have become German citizens, hence we are not concerned with the execution of non-German nations. Fortunately that argument is not open to them as we shall see in a moment. Under the name of Raubicek, we find a man named Raubicek, Karl,



from a place in Hungary. Immediately under that is the name of Rvaski, Wladislaus, from a town in Poland. At about the middle of the page is Sikorski from Lublin Poland.

THE PRESIDENT: Where is that?

MR. McHANEY: Almost in the middle, just a little bit under the middle, you will see the name of Sommer, and it is immediately under Sommer.

THE PRESIDENT: I would suggest if you would refer to the numbers -

MR. McHANEY: Yes, indeed.

THE PRESIDENT: It would be easier to follow.

MR. McHANEY: Sikorski is 26774. I will just give the last two digits in the number. I think that is sufficient. Sikorski is from Lublin in Poland, and the next man, 75, is from a place in Roumania, and 76 from Warsaw in Poland.

On the next page, 84, the first name at the top, Stern, is from a town in Poland. No. 87, Weiss, Ignaz, is from a town in Hungary. 92, Wozniowska, Ignac, is from a town in Poland; 94, Wendolowski, from Warsaw, Poland; 96 from a town in Poland; 97 from Poland, 800 from Poland and 802 from Roumania.

I come now to Document 1151-PS, on page 13 of the Document Book, and this will be Prosecution Exhibit No. 411. On pages 13, 14, 15 and 16 we find a sample questionnaire, which we have seen several times before. This was a questionnaire which was filled out on the unfortunate victims who were sent to the extermination institutions. This was a questionnaire which came out of Linden's office, which was filled in, either in the asylum or the concentration camp, and based upon this questionnaire the decision was made by the experts as to whether the particular individual should be killed.

I call your attention again to the fact that on page 13 this questionnaire includes a space for race, with a foot-note: "German or related blood (of German blood), Jew, Jewish, half-breed of first or second degree, Negro (half-breed), Gypsy (half-breed), etc.", and on the same line is a place for nationality. If it should be urged by defense counsel that the euthanasia program applied only to German Nationals, then why include a blank



on the questionnaire for nationality. It would be a very simple matter to advise everyone that this program applied only to Germans and not to include foreign nationals. We have seen not one word in any of the voluminous correspondence we have already introduced which indicates that this program was confined in any way to German Nationals. As a matter of fact, the proof is already shown that it applied in a large degree to non-German nationals from its very inception.

I will ask the Tribunal to turn to page 17, which is a part of the same exhibit, and we see to whom this sample questionnaire was sent. It was included as an attachment to the teletype which we see on page 17. The teletype is from Oranienburg, which was the headquarters of the WVHA, which had administrative control of all concentration camps. It is dated December 12, 1941, to the Camp Commandant of the Concentration Camp Gross-Rosen, and it states:

"In letter top secret 14 small F 13 of 10 Dec. 41, the sample questionnaire was by mistake not enclosed. Enclosure follows today.

Signed: Liebehenschel,  
SS Obersturmbannfuhrer."

Liebehenschel was one of the important leaders in the inspectorate of the concentration camps. Thus we see that the sample questionnaire was one which was sent to the concentration camp, Gross-Rosen, to be used in connection

15 Jan 47 - M - 8-1a - LJB - Cook and Taka 9

with the action 14 f 13.

On the next page, that is, page 18, we see the letter from Liebehenschel referred to in the teletype, and the teletype says "In letter top secret 14 small f 13 of 10. Dec. 41", and here we have the letter, dated Granienburg, 10 Dec. 1941, from The Reichsfuehrer SS, the Inspector of the Concentration Camps, and then you see immediately under that the code number: "14f 13", that is a secret diary reference, the letter being noted as "top secret."

"Subject: Doctors - Commission:

"Reference - Former correspondence of the 12th November, 1941, 14 f

13/Ot/U.

"Enclosure - 1."

This is a letter distributed to a substantial number of the concentration camps, since this letter is addressed: "To the Camp Commandants of the Concentration Camps Dachau, Sachsenhausen, Buchenwald, Mauthausen, Auschwitz, Flossenbourg, Gross-Rosen, Neuengamme, Niederhagen.

"As the camp commandants of the concentration camps, Dachau, Sachsenhausen, Buchenwald, Mauthausen and Auschwitz were informed in the correspondence mentioned above, the Doctors' - Commission will visit the above named concentration camps for the Selection of prisoners in the near future.

"The first half of January, 1942, is designated for this examination for the concentration camps Flossenbourg, Gross-Rosen, Neuengamme, Niederhagen."

I might say parenthetically that the word "Doctors' - Commission" is very important, because it is the contention of the Prosecution, and it shall be proved, that the Doctors' Commission appeared in these concentration camps on the orders and at the direction of the organization you see on the wall, that is, the organization under the defendant, Karl Brandt And Victor Brack. The Doctors' Commission went to the camps at their orders. Of course, the Inspectors of the concentration camps, Himmler's organization, had to be informed and cooperated in the program,

and indeed they did it in a very ample measure as we see from the affidavits of defendant Hoven. He was not under the organization of the euthanasia program which we see pictured on the wall. Hoven was a concentration camp doctor, and the reason he is indicted for having participated in the euthanasia program is because concentration camp doctors necessarily did so. They did so because they were ordered, as this letter itself will show. They initially picked out from the inmates of the camp those who were eligible for transportation to an extermination institution. The Doctors' Commission which was a part of the euthanasia program pictured on the wall, then came to the camp and was presented with questionnaires such as the sample sent Gross-Rosen, which had been partially filled out with the name and other references there called for in the questionnaire. The Doctors' Commission then filled out additional parts of the questionnaire, and may have perhaps made a closer examination of the inmates who had been first selected by the concentration camp doctors, such as Hoven, and in this process, undoubtedly, a few of the inmates were weeded out, that is, not included in the extermination transport.

But it cannot be said that action 14 f 13 was an action of Himmler or an action of the SS with which the defendant, Karl Brandt, and the defendant Brack had nothing to do. It can't be maintained, and we are now in the process of proving precisely the contrary.

To continue with this letter. The concentration camps are advised that the Doctors' Commission will visit the concentration camps in the near future. I have read the paragraph reading:

"The first half of January 1942 is designated for this examination for the concentration camps Flossenburg, Gross-Rosen, N. Langensuppe, Niederhagen."

It continues:

"Since the available doctors have a very heavy responsibility, the examinations in the concentration camps must be shortened as much as possible.

"In the enclosure a sample of the questionnaire will be sent as a copy for the preparatory work. These forms are to be mimeographed and to be filled out. The answering of single questions are taken up in this sample which are underlined in red and only these questions have to be answered. Relative to these single questions, the following explanation is given:

"The question 'physically incurable ailment' is not only to be answered with yes or no if possible, but to be answered with a short summary of the diagnosis. In addition, also the question of war injuries is to be determined because this guarantees a decided alleviation in the examination work of the Doctors'-Commission. If the space under the question of 'delinquency' and 'previous convictions' is not sufficient, the answer is to be put on the back side of the questionnaire as is designated in the sample. Individual punishments are : a to be enumerated, only those regarding main convictions are to be briefly summarized, the single delinquencies are only to be briefly mentioned. Those prisoners who come into question for examination are evident from the designated questions in the questionnaire.

"All documents and hospital reports on hand are to be placed at the disposal of the Commission upon request for examination.

"The adjutants of the concentration camps Flossenburg, Gross-Rosen, and Langensuppe will be verbally ordered here in this affair at a given time.



"Following the completion of the examination the inspector of the concentration camp is to make a report in which the number of the prisoners who were directed for the special treatment 14 F 13 are to be mentioned. The exact time of the arrival of the Doctors'-Commission will be announced in due time.

SS-Obersturmbannführer"

On the next page we come to another one of those lists. In order that the Tribunal may understand just what this list is I ask that you turn first to page 29 of this same document.

On page 29 we find that this is an internal memorandum in the Gross-Rosen Concentration Camp, dated December 16, 1941. If the Tribunal will recall, the letter to Gross-Rosen was dated December 10, 1941. So, we have in a matter of some six days this document here.

"Subject: Selection of inmates.

Ref.: None

Enclosures: 3"

It is "To the

Commander's office / concentration camp Gross-Rosen.

The camp for protective custody forwards the enclosed a list of inmates eligible for transport.

From the ward 70 inmates were selected

From the blocks 104 inmates were selected

Jews 119 inmates

Total: 293 inmates according to the status on the  
15 December 1941.

Since a transport is planned for a later date, the requested number of inmates was exceeded by 43, in order to make room for eventual losses." This is signed by "SS-Untersturmbannführer" in the Gross-Rosen concentration camp.

The list which begins on page 20 is the list referred to in the document which I have just read. The inmates number check out - 29. So, we see that this list is one prepared in the concentration camp Gross-Rosen before the Doctors'-Commission had arrived and I suggest that

It was made out by the camp doctor in Gross-Rosen. The list is most interesting. On page 20 we see that it lists the "Jews in protective custody" giving their number, name, first name, and date of birth, but no nationality. I suppose in the absence of other evidence Defense Counsel would have us believe that this list, in excess of one hundred Jews taken from concentration camp Gross-Rosen, were all German Jews or German citizens. Such is not the case and I will ask the Tribunal to refer back now to page 10 of the Document Book and find the name under no. 26766, the fifth name from the top of page 10, Rekel, Josef. Page 10 of the Document Book, the man whose name is listed as no. 26766, fifth from the top of the page - Josef Rekel. He is listed as being in Poland. You will recall that this list of names is one dated 19 March 1942 coming from concentration camp Gross-Rosen. The list from which we have just referred on page 20 is a list made up in the concentration camp Gross-Rosen as being those eligible for transport on 16 December 1941, three months before this list of persons on page 10 and following this, actually arrived at Bernburg. The name Rekel is on page 27 of this list - page 27 under "Poles in Protective Custody". Does the Tribunal find that - "Poles in Protective Custody" on page 27. The name Rekel is listed following number 294. It must be fifteen names from the bottom of the list. So, as I stated when I put in the list of March 19, 1942, which is a list of Gross-Rosen inmates who had arrived at Bernburg. I stated that it can be proved, and is proved, by the example which I have just given that foreign nationals, non-German nationals, were included in this extermination action.

Let's return then to page 20. First we find just "Jews in protective custody". There is quite a long list of them. They run from page 20, page 21 to top of page 22. Then we come to "Jewish who were habitual criminals". So again we are distinguishing between habitual criminals and persons in protective custody, although I suppose here again, and it may be urged by Defense Counsel, that those in protective custody were also habitual criminals. Also, under that we see "Jewish who were shirkers". The only thing that means is that they felt they had some Jews who were

lazy and wouldn't work. "Jewish who were shirkers" and "Jewish who defiled the race" down at the bottom. Jews, of course, are all thrown into a separate category from everyone else as we see on page 23.

On page 23 we come to Ward selection in the concentration camp Gross-Rosen. Ward as we shall see to be distinguished from block selection. Under Ward selection we have the category of prisoners in protective custody and habitual criminals. On page 24 we have "Poles in protective custody". That continues down to the bottom of the page where we have a note "S.A.W.". I must confess I don't know what that means. On the next page - page 25 - we find some "Czechs" and then under that again we find this unique category labeled "shirkers".

On page 26 we find the Block selection of the concentration camp Gross-Rosen distinguishing here from the previous ward selection, both of which are distinguished from the Jews selected. Here again we find in the Block selection "prisoners in protective custody" and habitual criminals. On page 27 we have "shirkers". There seem to be more shirkers among the Block than among the ward. Then there is a long list of "Poles in protective custody", then "S.A.W." on page 28 and lastly, Czechs in Protective Custody.

Now that list represents what was done at the concentration camp Gross-Rosen on the initiation of concentration camp management. They are told by Oranienburg to make that selection initially of those eligible for transport. Prosecution takes the position that that selection was done by the camp doctors and the one in concentration camp Buchenwald by the Defendant Hoven. So, the doctors at Gross-Rosen picked out 293, including a substantial number of Poles, Czechs, and Jews whose nationality is not specified but who we have proved from the previous exhibit, document NO-158 which was Prosecution Exhibit All, did include non-German Jews.

Well, let's see what happened to this list of names initially selected by the camp doctors in Gross-Rosen.

The next document is on page 30 and is still part of 1151-PS and

18 Jan. 5-4410-5-PHM- Gross  
Court No. 1

Prosecution Exhibit 412. That should be Prosecution Exhibit 411 and my former reference to document NO-158 should be Prosecution Exhibit 410. This is a teletype message again from Oranienburg, dated 10 January 1942, to "The Camp Commander of the Concentration Camp Gross-Rosen SS O.sturabannfuhrer Roodl.

"Your adjutant, SS Oberscharfuhrer Sattrop is to report on the 12.1.1942 at the office of the Inspector of the Concentration Camps at Oranienburg in order to receive verbal directions regarding a 2.14 P 13."



On page 31 we find a very interesting document. It is another letter from Liebehenschel to the concentration camp commander of Gross-Rosen, SS Obersturmbannfuhrer Roedl, Subject: Medical commission, concerning "Our letter of November 12, 1941" dated Oranienburg, 10 January 1942:

"In pursuance of the above rule you are informed that the SS Obersturmbannfuhrer Dr. Mennecke will undertake the selection of the inmates in the concentration camp of Gross-Rosen, beginning on the 16 or 17 January 1942. The necessary formulas of notification have already been transmitted to the camp; they are to be filled in - as was ordered in the letter - as far as possible before the arrival of Dr. Mennecke. The adjutant SS Oberscharfuhrer Sattrop is to report on 12 January 1942 at the office of the inspector of the concentration camps at Oranienburg to receive a special verbal directive on this matter. Signed Liebehenschel."

So we find that after the eligible inmates for experimentation were selected in Gross-Rosen in December, 1941, we find that the doctors' commission is to appear on 16 or 17 January 1942, approximately thirty days later and it is perfectly apparent that the doctors' commission was to survey those who had been selected in Gross-Rosen in December, 1941, and it is of some interest to observe who was going to be on this doctors' commission - Dr. Mennecke. It so happens that Dr. Mennecke was in December of last year convicted to death by a German court in Frankfurt for participation in the "euthanasia" program. Dr. Mennecke has not yet been executed. He has been brought to Nurnberg and he will testify before this Tribunal.

The next document is on page 32 of the document book and we have moved past Dr. Mennecke's visit to Gross-Rosen and we're now at Bernburg, the extermination question. This letter is dated March 3, 1942 at Bernburg, Concentration camp to the commander personally, Gross-Rosen. Stamped up at the top - "Received at Gross-Rosen on 5 March 1942":

"Enclosed we forward a list in duplicate of the 214 male inmates of your camp which have been put at our disposal by Berlin. They were medically examined and selected at your camp on the 19th or 20th Jan 1942 and their personal papers were sent to us by Berlin. We beg you to suggest in what

manner this transfer can be best carried out by you. In view of the long distance transportation by rail is advisable in our opinion. In this case we should be grateful, if you could effect the dispatch of the 214 inmates by rail on Monday, 23rd March 1942 insuring its arrival here on 24 March 1942.

"Considering the great number of inmates a corresponding number of guards will be necessary.

"In our opinion the 24 March 1942 would be the most suitable day of arrival, because in the meantime transports of inmates from other concentration camps will arrive, and a period of interim is necessary for us in order to be able to carry out all this work.

"If a transfer by omnibus should be impossible we suggest that this transfer should be effected in two transports of 107 inmates each, one on Tuesday, 24 March and the other on Thursday 26 March 1942.

"We beg you to inform us definitely of your opinion as to our suggestions in order to enable us to take further steps.

Heil Hitler

Godenschweig."

Godenschweig apparently was an official at Bernburg.

Now this is most interesting. We see that from the original 293 inmates selected by the camp doctors in Gross-Rosen in the middle of December, 1941, 214 of them have been earmarked for transportation to Bernburg to be exterminated and very fortunately they included the list of the inmates who had been put at the disposal of Bernburg by Berlin and that list begins on page 33 and runs through page 38. This list also is quite interesting. Name No. 2 of the list beginning on page 33, Bajgelmann, Isak, born on 4.8.09. What nationality is Bajgelmann? We can refer back to page 9 of the document book for the number 26748 - Bajgelmann is there listed as coming from a town in Poland. But even more clear is name No. 21, Chieffewski, Johann - No. 21 on page 33 - Chielewski, Johann. If the Tribunal will turn to page 27, the name list - beside the number 1258 under "Joles in Protective Custody - it is the second, third, fourth name down, you will notice that there is a difference in spelling. On page 27 the man's name is spelled Chmielewski, the

second name being Jan, birth date 9.10.13. The man listed on page 33 after No. 21 - the name is spelled Chialowski, second name Johann, the birth date being exactly the same - 9.10.13. I submit that these are one and the same individual, the nationality being listed on page 27 as Polish.

THE PRESIDENT: at this time the Tribunal will recess until 1:30 o'clock.

(A recess was taken.)

CORRECTED COPY

AFTERNOON SESSION

The hearing reconvened at 1330 hours, 15 January 1947.

THE MARSHAL: The Tribunal is again in session.

MR. McHANEY: If the Tribunal please, before the recess we were considering the nationality of the Gross-Rosen concentration camp inmates who were listed for transport to the extermination center at Bernburg. That list begins on page 33 of the English Document Book and I had demonstrated that Inmate No. 21, listed on page 33, was of Polish nationality by reference back to the list compiled by the concentration camp doctors in Gross-Rosen in December 1941.

JUDGE SEHRING: Mr. McHaney; at the beginning you referred to the Inmate No. 2 and referred us back to page 9.

MR. McHANEY: No. 2, page 9, that is correct.

JUDGE SEHRING: Have you told us the number on page 9?

MR. McHANEY: The number on page 9 is listed as 36748.

JUDGE SEHRING: Thank you.

MR. McHANEY: It is the third name from the top of the list on page 9 I do not wish to labor the Tribunal by showing in each instance how it can be determined that one or the other of the inmates listed on page 33 and following are Poles or Czechs but I would like to give two further examples in order to demonstrate how in each case.

THE PRESIDENT: The Tribunal does not desire to limit you in any such manner, Mr. McHaney.

MR. McHANEY: Does not desire to....

THE PRESIDENT: To limit you in any such manner.

MR. McHANEY: No. 22 on page 33.

THE PRESIDENT: It might be helpful to the Tribunal if you would elaborate upon as much as you desire.

MR. McHANEY: I wish to indicate, for the Tribunal's information, each person on this list of two hundred and some names who was a Pole or



a Czech but I will not in each instance prove it by reference back.

THE PRESIDENT: It seems to me that would be sufficient, Mr. McHaney.

MR. MC HANEY: No. 22 is listed as Cichon, Josef.

JUDGE SEBRING: On what page is that?

MR. MC HANEY: Page 33, Your Honor, No. 22, with the birth date of March 25, 1910. If the Tribunal will refer back to page 24, under "Poles in protective custody" at the top of the page, you will see Joseph Cichon listed as No. 924. That is the fourth name down from the top of the list on Page 24, giving the same birth date and thereby showing that the named individual included in the list of those sent to Bernburg, beginning on page 33, was a Pole.

By the same token, the inmate listed as No. 23 on page 33, Chrust, Michel, giving as birth date 27.8.12, is shown to be of Polish nationality by reference to page 25, no, that is a mistake, Your Honor, it is page 24, the prisoner listed as 133 on page 24, just above the one we had mentioned before, Josef Cichon. Do you find it? It is the third down from the top of the page, Michel Chrust, the same birth date, August 27, 1912, as a Pole in protective custody.

So, on page 33, which is the beginning of the extermination list, we have four inmates of Polish nationality, No. 2, No. 21, No. 22, and No. 23. On the next page, page 34, the inmate listed as No. 31 was Polish, No. 42 was Polish.

JUDGE SEBRING: No. 43?

MR. MC HANEY: No. 42, yes, Sir. No. 47 was Polish; No. 51 was Czech; No. 66, Polish. On the next page, that is, page 35, No. 72 was Czech, No. 74 Czech; No. 79, Polish; No. 80, Polish; No. 81, Polish; No. 82, Polish; No. 83, Polish; No. 89, Polish; No. 97, Polish, No. 100, Czech; No. 104, Polish, No. 108, Czech. On the next page, page 36, No. 112, Polish; No. 114, Polish; No. 117, Polish; No. 118, Polish; No. 120, Polish. On the next page, page 37, No. 131, Polish; No. 133, Polish; No. 135, Polish; No. 137, Polish; No. 143, Czech; No. 144, Polish; No. 148, Polish; No. 149, Polish; No. 150, Polish; No. 158, Polish; No. 160, Czech; No. 171, Polish; No. 172, Polish, No. 173, Polish. On the next page, page 38, No. 177, Polish; No. 181, Czech; No. 186, Polish; No. 190, Polish; No. 191, Polish; No. 193, Polish; No. 198, Czech;

No. 199, Polish; No. 203, Polish; No. 204, Polish; No. 209, Polish; No. 213, Polish.

These designations of Polish and Czechoslovakian nationality are taken from the list made up in Gross-Rosen where the prisoners were so designated as being of Polish or Czech nationality. It should not be understood that I have designated all the non-German nationals in this list of 214 names of inmates who were sent to Bernburg for extermination, the reason being that the nationalities of the very large number of Jews initially picked out and a large number of whom are included in this list are not shown; that is, the nationalities of the Jews are not specified. However, as can be seen from Exhibit 410, on page 9 and following, a substantial number of these Jews were born in countries other than Germany, as I have previously indicated; and so it is apparent, I think, that a further substantial number of the inmates among these 214 Gross-Rosen inmates were of non-German nationality. Be that as it may, we have proved without any question, that of the 214 inmates listed, 51, no less than 51, were of Polish or Czechoslovakian nationality, which is approximately 25 percent of the total number listed for extermination at Bernburg.

I turn now to page 39 of the Document Book, which is still a part of Document 1151-PS, Prosecution Exhibit 411. This letter originated in the concentration camp, Gross-Rosen, and is dated 6 March 1942, stamped "Secret":

"Subject: Transfer of inmates to the Hontel Institution to Mr. Godenschwing personally, Bernburg:

"In reply to your letter of 3 March 1942, we wish to inform you that only a transport by rail can be considered, no suitable vehicles being available. The fact, however, that a great number of the inmates are not in a condition to march, would necessitate their transport from the railroad station by vehicle. The transport will leave then on 23 March 1942.

"I furthermore beg you to inform me whether the inmates are to go to Bernburg or elsewhere. At present, there are still 125 inmates who are to be transferred.

"An accurate list of names will be handed to the conductor of the transport."

"Heil Hitler !"

"Signed by the camp commander of the concentration camp Gross-Rosen."

The next page, page 40 we find is a teletype from Liebehenschel, the manager of the inspectorate of the concentration camps, stationed in Oranienburg, dated March 25, 1942, addressed:

"To the Camp Commanders of the Concentration Camps, Gross-Rosen,"

"Secret: Report here through PS, how many inmates were transferred to date for special treatment 14 f 13. This report must include times of the selection, as well as the number of inmates transferred. In compliance with the local circular order POL./AZ.: 14f 13/OT./S. of 10 December 41 in the future a numerical report on each selection is to be submitted immediately."

We find the answer to this teletype from Gross-Rosen on page 41, it is dated 26 March 1942:

"To SS Economic-Administrative Main Office, Section D, Oranienburg."

By this time the WVHA under Oswald Pohl, recently indicted had



taken over the administrative jurisdiction of concentration camps, that jurisdiction was exercised through Section D of the office of the WVHA. This teletype is labeled "Secret";

"Subject: Special treatment 14 f 13] concerning: "Your teletype letter of 25 March 1942."

"In answer to the above letter, the commander of the concentration camp Gross-Rosen reports the following: On 19 and 20 January 1942, 214 inmates were selected. From this number, 70 were transferred on 17 March 1942 and 57 inmates on 18 March 1942. Between 20 January and 17 March 1942, 36 selected inmates died. The remainder of 51 inmates consists of 42 Jews, who are able to work and 10 other inmates, who have regained their strength owing to a temporary cessation of work (camp closed between 17 January and 17 February 1942) and who will therefore not be transferred." (signed) "The Camp Commander, Rodl, SS Obersturmbannfuehrer."

This is a most interesting Document. You will see that the transport of the selected inmates from Gross-Rosen took place on two dates: 70 being transferred on March 17, 1942 and 57 inmates on March 18, 1942. We have introduced already, as Prosecution Exhibit 410, the list of the 57 inmates, transferred on March 18, 1942. That exhibit begins on page 7 of the Document book. We have already covered that exhibit and the fact constitutes the second transport of 57 inmates. I have counted them and there are precisely 57 names in that list.

This is a very revealing Document, as it shows so clearly one of the primary bases of selection of the inmates to be executed. It tells that 51 of the inmates were given a respite from work from January 20th to March 17th and recovered sufficiently so that they were able to again perform work, so that they were not included in this transport to Bernburg for extermination.

Now, then, can the Defense maintain that this Euthanasia program had as its basic consideration for eugenics and the purification of the German race? It is difficult to understand how the murder of fifty-one Czechs and

Poles could have anything to do with the purification of the German race. It is also difficult to understand an argument justifying mercy killings, so-called on the grounds of eugenics or the elimination of incurably insane persons, when we found that they did not send to the extermination camp fifty-one persons who were given a few days rest and then became able to perform work. No, it is perfectly clear that the basic consideration was the inability of the persons to work, they were useless eaters and a burden to the war economy of Germany.

On Page 42 we find another letter from Bernburg dated 10 March 1942, to the Commander of the concentration camp Gross-Rosen, subject: "Transfer of inmates - Your letter of 6 March '42."

"We are in possession of your above-mentioned letter and forward the signed receipt. As regards the transport of the 125 inmates we make the following suggestion: Transport the 125 inmates by rail on 23 March 1942 to the station Guesten (Anhalt). From there we will fetch the inmates with motor trucks.

"We ask you to inform us in good time when the transport is to arrive at Guesten, so that we can make the necessary preparations. At the same time we ask you to provide sufficient men to guard the inmates until we take them over. We would appreciate it, if your men would also undertake the guarding of the transport as far as the asylum Bernburg. In this case the guards would be taken care of by us and then again put on their march to Gross-Rosen. In reply to your inquiry we wish to inform you, that the destination of the rail transport is Guesten, whereas the final destination of the inmates is Bernburg (Saale), where they will remain.

Heil Hitler!

Hirose."

THE PRESIDENT: The Tribunal would like to examine the original of that document, counsel.

R. McHANEY: This particular document which I have just read is indicated as being on Page 27 of the original which the Tribunal now has before it.

The next document and the next part of this same document is on Page 43 of the document book. This is a letter from the WVHA, Section D, Concentration Camps. This is one of the form letters which was sent at the same time to the camp commanders of the concentration camps Dachau, -- the "Du" there undoubtedly should be "Bu" -- Buchenwald, Mauthausen, Neuengamme, Auschwitz, Gross-Rosen -- and the "Hie", I am not familiar with that, and "Ra" would be Ravensbruck.

15 Jan 47 - A - 14-2 - LJS - Maloy

"Through the report of a camp commander it became known, that 42 of the 51 inmates selected for special treatment 14 of 13 became 'fit to work again' after some time which made their transfer for special treatment unnecessary. This shows that the selection of these inmates is not being affected in compliance with the rules laid down. Only those inmates who correspond to the conditions laid down and, this is the most important thing, who are no longer fit to work, are to be brought before the examining commission.

"In order to enable the concentration camps to carry out the tasks they are set, every inmate fit to work is to be put at the disposal of the camp. The camp commanders of the concentration camps are asked to give their special attention to this matter." Signed "Liebehenschel."

And here again we have a document which indicates the true purpose of the euthanasia program, the elimination of those unable to work.

I turn now to Document No. 907, on page 45 of the English Document Book, and I offer this as Prosecution Exhibit No. 412. This document consists of extracts from certain letters written by Dr. Mennecke to his wife. The first excerpt carries the date line "Bielefeld, 19 February 1941, Hotel Bielefelder Hof."

"..... This morning at 8:30 we first went by cars which were put at our disposal from Berlin, to the county leadership of the NSDAP. There we had a meeting of two hours, at which were present: the Party County Leader, the County President Westphalia-South and a Gau representative. Immediately after that we drove to Bethel together with these gentlemen - we were together 22 persons - where a new meeting was held with Pastor Bodelschwingh, the chief-physician Dr. Schorsch and 2 officials from Bethel, very interesting! The few remaining hours of the morning we spent with Dr. Schorsch as our leader, by inspecting the houses which Prof. Heyde and Herr Brack had allotted to each of us individually. I am working together with Dr. Wischer, the chief physician of Waldheim.



15 Jan 47 - A - 14 - 3 - LJS - Maloy

"I ordered the porter of the Kaiserhof to send off the registered letter, because already at 14:30 we started with our work in Bethel (a car-ride of 20 minutes.) Each group consists of two gentlemen and two ladies working with them."

The next line must contain a faulty translation. I think it should read, "I examined, together with Miss Fischer, altogether 22 female patients....."

"I examined together with Miss Fischer altogether 22 female patients including personal examination from 15:00 till 19:00 h. This is a very quota, which most of the others did not attain....."

It is signed "Your faithful Fritz," Fritz being Dr. Fritz Mennecke, and his letters to his wife. I just want to call your Honors attention to Mennecke's relation to Professor Heyde and Herr Brack, which is the defendant Viktor Brack, when they inspected houses which were allotted to this doctors' commission which was handling patients at the Bethel asylum. I recall one of the documents which has already gone into evidence mentioned this asylum. If I remember correctly it was probably an asylum under the supervision of some religious organization, which I think ultimately succeeded in keeping out these doctors' commissions which were there to select the victims for the extermination.

The next letter carries the date line "Weimar, 25 Nov. 1941, Hotel Elephant." Weimar is right close to the Dachau concentration camp, and you have seen Weimar in the documents before. The letter reads as follows:

"At 7 o'clock tomorrow morning we will be awakened, at about 8 o'clock we will have our coffee and then we will drive out in Schmalenbach's car, but he himself will soon depart to Dresden again. On Thursday and Friday a meeting will be held in Pirna within the frame of the action, in which problems of the future will be discussed and in which Schmalenbach will take part as the medical adjutant of Herrn Brack (Jennerwein).

15 Jan 47-A - 11-5 - LJO - Maloy

And if I may say so parenthetically the prosecution suggests the name "Jennerwein" is another name used by the defendant Viktor Brack in the operations of the euthanasia program.

The letter continues:

"No experts will be present.....The first working day at Buchenwald is over. At 8:30 h this morning we were out there. At first I introduced myself to the authoritative leaders. The deputy of the camp commander is SS-Hauptsturmfuehrer Florstaedt, camp physician is SS-Obersturmfuehrer Dr. Hofen."

The prosecution contends that Dr. Hofen is the defendant Hoven, and I would like to recall at this time the questions put to the witness Roehild, who testified under direct examination that Hoven was the camp physician sometime during the year 1941, and he was pressed to a considerable degree on cross-examination with the question, "wasn't it possible that Hoven wasn't the camp physician until 1942? This letter of Dr. Mamecke, dated 25 November 1941, says Dr. Hoven was the authoritative leader, and that he was the camp physician. The letter continues:

"At first another 40 reports of a first portion of Aryans had to be completed by filling them out, on which the two other colleagues worked already yesterday. Out of these 40 I worked up about 15. After this whole portion had been worked up, Schmalenberg left, in order to go to Dresden and not to return until our work here is done. Following this, the 'examination' of the patients was carried out, i.e. a presentation of the individuals and a comparison with the entries taken from the files. We did not finish this work until noon, because the other two colleagues worked only theoretically yesterday, so that I had to 're-examine' these, whom Schmalenberg (and I myself this morning) had prepared and Mueller his persons. At 12 o'clock we stopped for lunch....."

Continuing on the next page:

"Afterwards we continued our examination until about 16 o'clock. I myself examined 105 patients, Mueller 78 patients, so that finally a total of 183 reports were ready as a first portion. As second portion a total of 1200 Jews followed, all of whom do not need to be 'examined', but where it is sufficient, to take the reasons for their arrest from the files (often very calumnious!) and to transfer it to the reports. Therefore it is merely a theoretical work, which will certainly keep us busy until next Monday inclusive, perhaps even longer. From this second portion (Jews) we completed today; I myself 17, Mueller 15. At 1700 hours sharply 'we threw away the trawl' and went for supper.

"Exactly as the day I described above, the following days will pass -- with exactly the same program and with the same work. After the Jews, another 300 Aryans followed as a third portion, who again will have to be 'examined'. Therefore we are busy here until the end of next week. Then on Saturday, the 6 December, we shall go home ....

"Mueller goes home from Saturday noon until Monday noon, Koenigsutter near Braunschweig."

This letter tells us what these examinations consisted of; certainly a very complete and thorough medical examination at best. The writer of this letter even put the word "examination" in quotation marks, which he said consisted of a presentation of the individuals and a comparison with the entries taken from the files. If there were no other crimes involved in this Euthanasia program I should think that the conduct of such examinations on the part of the doctors who were selecting the people to be exterminated per se, is enough to make this nothing short of murder. It is ridiculous to suppose that these doctors conducted any sort of mental examination on the patients that were being selected and I again reiterate that the documents show conclusively that the basis of the selection was inability to perform work. Here we see a reference made to the Jews who were sent from Buchenwald in the summer of 1942 as Regnhild testified, and Mannoche himself looked over these



1200 Jews who the Defendant Hoven had already collected together for him and they, it should be noted, were not even given the cursory type of examination extended to Aryans.

As far as examining the Jews went, the letter states that it is sufficient to take the reasons for their arrest from the files, so it is quite clear that no examination whatsoever was conducted. I move on to the third excerpt which is from Fuerstenberg on Main, 12 January 1942, Hotel Wegert, Monday.

"I hope to learn from Professor Nitsche, what exactly our next 'tour' will be. If he really does not know it, I hope to be able to catch Herrn Brack in the Tiergartenstrasse in order to ask him with regard to my discussion with Dr. Hefelmann concerning Karl, your scruples are right but I will report it in a way that I will have no disadvantage from Karl's misfortune ....

"Now I will say goodbye to Dr. Schidlausky — then I will take a motorcar and ride to the hotel. At 10 o'clock Berlin rang me up; Fraulein Schwab told me that the meeting was postponed, but that they are waiting for me in Berlin tomorrow. All was changed again completely, but she did not know details and said I would hear it tomorrow. What may be the matter again? It is awful with the 'charade Berlin'...."

We can see from this letter that Dr. Mennecke had made a tour, as he describes it, to the Ravensbruck Concentration Camp doctor at Ravensbruck.

And from whom did Mennecke receive his instruction about going to concentrations Camps? Was it from Heinrich Himmler? Not at all. It was from Professor Nitsche and Herrn Brack, two of the more important people in the operation of the Euthanasia program.

The next letter is dated Berlin, 14 January 1942, Hotel Esplanade.

"My beloved mother! That was a typical war-winter railway journey from Fuerstenberg to this place."

Then follows a rather long description about his troubles with rail transportation in wartime Germany which I will eliminate and drop to the latter part of this first paragraph on page 47, where he states:



"I met Professor Nitsche in the Bellevuestrasse who told me that I was expected, especially Dr. Hefelmann requested to have a talk with me. The meeting was postponed indeed, but we would have a meeting in a small circle. Professor Schneider would come too. Nitsche was in a hurry and so I went on to Tiergartenstrasse. I delivered the reports to Herrn Neumann, but kept the three nice covers and the wrapping paper. Then I called the office, spoke to Frau Meyer and asked when I could come to Dr. Hefelmann. He expected me at 14.30 hours. I did not speak with anybody else yet. At Herrn Neumann I saw the copy of the letter which announces me at Gross-Rosen for the 15th to 20th January. Professor Nitsche too said — in passing so to speak — that new tasks are waiting for me, but when I asked if I could not go home first, he said: Of course, you can arrange it as you like. Now I will wait for the things to come.

"At 21.40 hours Cafe Excelsior. After having written a letter of three pages to Karl and also a copy (enclosed) I am able to continue to inform you, Murray: Now we will still go to Gr. Rosen. I am allowed to decide it myself and therefore I decide it in this manner. Listen: At 14.30 hours I entered the Reich Chancellery and the discussion with Dr. Hefelmann during which certain problems had to be reviewed, started immediately. Everything is fine. As the proposed big meeting was not held, we are going to meet tomorrow in a small circle. Dr. Hefelmann, Professor Nitsche, Professor Schneider, Dr. Heinze, Dr. Straub and 'your husband'. At 11.30 hours I will go again to the Reich Chancellery. The following problem will be discussed: Promoting the psychiatry of the youth. In this branch Schneider and Heinze have to be regarded as the leading experts of the Reich. I am co-advisor as a man of the practice (with Straub.) Straub is country councillor and coordinator of the institution of the province Holstein in Kiel and Oberstabsarzt of the Wehrmacht and is the bearer of the party badge in gold. He wants to resign in Kiel and to direct again an institution in southwestern Germany. Eichberg? Oh, no, there will be no other man than your husband. But it is planned to establish a new regional institution for Herr Straub in our vicinity,

which will be mainly devoted to the psychiatry of youth. The work in this newly established or reorganized institution will be thoroughly furthered especially by the scientific cooperation and counsel of Schneider and Heinze. According to present plans, Idstein is taken into consideration. I have to work with my special department for children which should be still further expanded in close cooperation with Schneider, Heinze and Strumb, and the 'elimination' of this now 'psychiatry hospital of youth' will be completed by me. There we have already the project of the future which I have always expected from the special department for children. In addition to very agreeable flattering remarks concerning the perfect organization of my special department for children (he said that this department and that of Hinze are the best ones) Dr. Hofelmann expressed his appreciation for my work and said that this was not only his own opinion but also that of Herrn Brack. Today, as a preparation for the meeting tomorrow we mutually considered how to reorganize the Hospital in Idstein. Characteristically not Bernotat but I am called to aid in settling these problems. This is important. It also finds an explanation in the way Dr. Hofelmann spoke about Horne and what he thought of my opinion. I advised against Idstein as first thing today and proposed Schauern instead. For this proposal various facts seemed decisive. If I have two institutes for idiotic children in the vicinity I would prefer to give up the up to now badly managed institute of Schauern into better hands, instead of interfering with Idstein which in Herrn Mueller has a constant reliable manager."

Now I skip down to the last paragraph on page 48.

"At about 17 o'clock I left Dr. H., who, at the end asked me to buy wine for him; I will of course do it. He gave me his home address. After this I went to Tiergartenstrasse, in order to talk with Dr. Nitsche. Dr. H. had already informed me about the complete new chances' which Fraulein Schwab had indicated on the telephone. Since the day before yesterday a large delegation of our action headed by Herrn Brack is on the battlefields of the East to aid in the saving of our wounded soldiers in ice and snow. They include

physicians, clerks, Hadamar and Sonnenstein, nurses and male nurses, a  
while detachment of 20 to 30 persons. This is a top secret. Only those  
persons who cannot be spared in the carrying out of the most important  
tasks of our action were not included. Professor Hitscho told me about  
that too and regretted especially that the male and female assistant  
nurses of our institution Eichberg were taken away so quickly. This is  
the reason that the great meeting of the 15 January was postponed until  
the 6 February because until then the relief action in the East will be  
finished. The best and sincerest greetings my beloved, golden mummy,  
signed: Your faithful Fritz."

Letter No. 4 is dated Heidelberg, 15 June 42:

"Just now I finished the thing for Berlin in order to send it registered tonight the photocopy for the Tiergartenstrasse as well as the answer to Herrn Jennerwein," which we suggest is the defendant Brack. "In the latter I wrote to inform me in time about Dr. Hofelmann's visit so that I personally could be present at the conference on the Eichberg. I enclose the copy; please file it into the Berlin letter case. I keep the original. I want to show it to Professor Schneider with whom I discussed it this morning and who was very interested in this "recommencement". He himself has nothing to do with the National Committee. Besides that I started to work right away this morning at 8.30 I was already working. I finished a voluminous exploration until 11 o'clock and dictated it immediately. Then I talked with Professor Schneider about very interesting things of our future cooperation, etc., until 12.15 hours."

I will omit the last paragraph of that letter. I might comment upon the word "recommencement" in this letter of 15 June 42. It appears that there may well have been an interruption in carrying out the Euthanasia Program in the latter part of 1941. This was certainly not a complete cessation because the documents that we have indicate that the exterminations were carried out right on through, but it does appear that as a result of the tremendous indignation which was stirred up among the German people as a result of this Program that considerable pressure was brought to bear to have it stopped, and hence we find this word "recommencement" in the letter of 15 June 42, which may indicate a recommencement of the Euthanasia action at this or that place.

"7 April 1943, Wednesday." There is a short excerpt reading:

"The letter of Herrn Blankenburg, the answer on my "report" sent to him about a fortnight ago (not yet the answer of my second letter concerning "certificate") is as follows: Werner Blankenburg, Berlin, 1 April 1943.

Dear Mr. Mennecke.



"I was very glad to have received some words from you. I am especially glad that you are well and that you enjoy your work. Everything goes as usual here. We are waiting for the things to come. The Military post office number of Herrn Brack is 46,000, of Dr. Hefelmann (unfortunately left out, error)". Signed "Blankenburg."

Blankenburg, the Tribunal will recall, was an assistant to the Defendant, Viktor Brack, and after Brack left to go into the army or at least left Berlin, Blankenburg took over many of his activities in Berlin. That was in the year 1942, as I recall. The letter continues on page 50:

"Yes, sweetheart, that shows that my connections to Berlin are alive and kept up; that is very important. The military post office number of Dr. Hefelmann was apparently still to be put in, but unfortunately it was left out. Perhaps I will be able to learn it from Herrn Brack to whom I shall write soon."

The next excerpt I shall not read at this time. We come now to Document WC-1007 on page 51 of the document book, and this will be Prosecution Exhibit 413. This is a letter again from the WVHA, Division D which was in control of concentration camps. Stamp: Top Secret. To the Camp Commanders of the Concentration Camps." and then there the list of camps: "Dachau, Sachsenhausen, Buchenwald, Matthausen, Flossenburg, Neuengamme, Auschwitz, Gross-Rosen, Mauthausen, Stutthof, Ravensbruck, Ri." —

I don't know, — "Lublin and Bergen-Belsen." Ri. and Herz. I don't recall at the moment.

"The Reichsfuehrer-SS and Chief of the German Police upon demonstration has decreed that in the future only insane prisoners can be selected for the action 14 F 13 by the medical commissions appointed for this purpose.

"All other prisoners unfit for work (persons suffering from tuberculosis, bedridden invalids, etc.), are absolutely to be excluded from this action. Bed-ridden prisoners are to be given suitable work which can also be done in bed.

"The order of the Reichsfuehrer-SS must be strictly observed in the future.

"The requests for gasoline for this purpose will, therefore, be discontinued." Signed: "Glucks."

This document indicates that prior to this date of 27 April 1943 that the Euthanasia Program encompassed the execution not only of insane persons, but persons suffering from tuberculosis, bed-ridden individuals, etc because this document states that in the future only insane persons can be selected, and all other prisoners, even though they be unfit for manual work, are to be put to work with something they can do in bed. This again indicates the Euthanasia Program cannot be justified on any ground of Eugenics or medical considerations.

Defense Counsel for the Defendant, Karl Brandt, points out that I did not read the excerpt from the letter written by Dr. Mennecke — it is on page 50, August 14, 1944 — in which the name of Professor Brandt is mentioned. It is not evident on the face of the letter what the meaning of it is; consequently, I have not read it into the record. It is, of course, part of the Exhibit and is in the record, but I have made no point of it because there is nothing on the face of the document which indicates that it had anything necessarily to do with the matter under consideration.

I think at this point, if the Tribunal please, we will ask that the witness, Olga Eyer, be brought to the stand to testify. She, of course, will not testify concerning Euthanasia. The Tribunal will recall that the affidavit taken from Olga Eyer was admitted several weeks ago in connection with the activities of Dr. Hagen of Strassbourg upon the condition that we make an effort to bring Miss Eyer here, so I think that it might do just as well to put her on now, and then she will be able to return to Strassbourg probably tomorrow.

THE PRESIDENT: Prior to the securing of the witness, the Tribunal will recess.

(Recess)

THE PRESIDENT: The Tribunal is again in session.

MR. EMMY: May it please the Tribunal, this witness is a French national. However, she is fully conversant with the German language and will testify in German.

QMS. EMMY, a witness, took the stand and testified as follows  
BY THE PRESIDENT:

Q. The witness will rise, hold up her right hand, and she swears. Repeat after me:

I swear by God, the Almighty and Omnipotent, that I will speak the pure truth and will withhold nothing.

(The witness repeated the oath.)

THE PRESIDENT: Be seated, please.

DIRECT EXAMINATION

BY MR. EMMY:

Q. Your name is Olga Eyser, is it not?

A. Yes.

Q. Your last name is spelled E-y-e-r?

A. Yes, that's right.

Q. You were born on January 17, 1907?

A. 1907.

Q. Where were you born, witness?

A. In Strassbourg, France.

Q. And you are French citizen?

A. Yes.

Q. What is your present address?

A. In Strassbourg.

Q. Olga Eyser, will you kindly tell the Tribunal what education you have had?

A. I attended the college in Hildesheim in Strassbourg until I was 16.

Q. In what year did you complete your education?

A. In 1923.

Q Will you tell us what you did in the way of employment from 1933 until the present date?

A For about five years I was in my parents' business; and after that I had various positions as secretary.

Q When did you enter the employ of Prof. Dr. Eugen Hengon as a secretary of the Hygiene Institute of Strassbourg?

A On the 1st of November 1941.

Q Did you remain in that position until Prof. Hengon left Strassbourg?

A Yes.

Q In your position as a secretary to Dr. Hengon, did you handle all correspondence, including correspondence of a secret nature?

A Yes, but I did not know that Prof. Hengon may have had other secret correspondence in addition.

Q Therefore, Witness, you are in a position to tell us about some of the details of medical experiments performed on human beings, are you not?

A Yes.

Q Will you tell the Tribunal what you knew about experiments on yellow fever?

A The yellow fever experiments were carried out until 1942. They were stopped in 1942.

Q Do you know where Prof. Hengon carried out these yellow fever experiments?

A As far as I know I saw a few letters from an institute called in Berlin, Attenu; and they were some names of patients.

Q Where?

A Since I do not know enough about it--I only looked at the names--I don't know exactly what it was about. I only know that it was about jaundice.

Q Now, Witness, you stated in your affidavit that you



thought that these experiments were in Berlin, Reichmanu. You meant Wittenau; is that correct?

A Afterwards I remembered that it was Berlin, Wittenau.

Q Now, Witness, you tell the Tribunal in your own words what you know about the typhus experiments conducted by Dr. Drogen.

A The medical inspectorate of the Luftwaffe gave Prof. Drogen assignments, research assignments, about yellow fever, typhus, hepatitis, and influenza.

Q Now, did you handle any correspondence or see any correspondence in connection with these experiments which might

Infer that experiments were conducted upon concentration camp inmates?

A. Yes. There were two letters. Prof. Haagen dictated them to me.

In the first letter Prof. Haagen, through Prof. Rirt, asked the SS Main Office for two hundred prisoners in order to conduct typhus experiments with these prisoners. In the second letter Prof. Haagen explained that the patients arrived in such poor condition that they could not be used and that a part of them had already died on the way; and he asked for two hundred more prisoners in good health, similar to Wehrmacht soldiers.

Q. Witness, do you know where these experiments were conducted?

A. The experiments were conducted in Mauthausen, Austria.

Q. As a result of these experiments, did Prof. Haagen prepare reports to be sent to the medical chief of the medical services of the Luftwaffe?

A. Every quarter year a report was sent about the work to the medical inspectorate of the Luftwaffe.

Q. I understand you to say that, Witness, that reports were sent to the medical service of the Luftwaffe every three months. Is that correct?

A. Yes, and other reports. From 1944 on the reports were sent to Air Fleet Center, Berlin-Gatow, Koenigsstrasse 59, two copies, with the request to forward the report to the Luftwaffe Medical Inspectorate.

Q. Now, Witness, you say that these experiments with typhus on human beings took place from 1944 on?

A. Yes.

Q. Was it obvious from these reports sent every three months that a live typhus virus was being used on the prisoners at Mauthausen?

A. The reports indicated that about fifty prisoners were infected with virulent typhus.

Q. Do you know from your own knowledge whether or not any of the prisoners subjected to these typhus experiments died as a result thereof?

A. I can't say.

Q. However, you do not exclude the possibility that prisoners died as a result of these experiments, do you?

A. I assume that it is a dangerous disease.

Q. Now, witness, in regard to these reports, were reports of these typhus experiments sent to the Reichsforschungsrat?

A. Yes. The Reichsforschungsrat issued research reports on yellow fever, hepatitis and influenza, and the reports were sent in every three months.

Q. Did they also receive reports on typhus?

A. Yes.

Q. Were any reports ever sent to the high command of the Wehrmacht?

A. From 1944 on, the high command of the Wehrmacht was very much interested in the experiments and also wanted to have reports on the research work that was going on.

Q. Could it be clearly understood from these reports that the human beings used were concentrated camp inmates?

A. Yes.

Q. Now, Miss Fyer, did Professor Hagen go to Metzweiler often?

A. He went once a week to Metzweiler with his assistant, Miss Krenel.

Q. Witness, will you kindly tell the Tribunal what you know about the epidemic jaundice research, that is, hepatitis?

A. Hepatitis epidemica, the research work on hepatitis epidemica, was to be started in about June, 1944, and prisoners were also requested for this, but I don't know whether it ever got to the point that the prisoners were--that the prisoners were--that the work was actually done with prisoners. I don't know.

Q. Then you do know in your work with Dr. Hagen that preparations were made to experiment with hepatitis on human beings?

A. The application had already been made, but I do not know whether the work had already been begun. I cannot say.

Q. Did you ever hear the name Dr. Dorn?

A. Dr. Dorn was to be in charge of the work on hepatitis epidemica. He came to Strassbourg for two or three days, but whether he was at Stuttgart I do not know. He was to come back again, and after that the liberation of Strassbourg came.

Q. Do you think it is possible that after Dr. Doman's visit of two or three days to Strassbourg that he might have gone from there to Metzweiler?

A. It is possible. I do not know exactly.

Q. Did you ever hear the name Professor Dr. Rostock?

A. Yes, I saw a few letters which came from the Reich Research Council signed "Professor Rostock" but I do not know what function he had in the Reich Research Council.

Q. Then you do remember that Hagen corresponded with Rostock?

A. Yes, but I do not know exactly what it was about.

Q. Did Hagen ever visit Professor Rostock in Berlin?

A. I do not know. I assume so.

Q. Miss Eyer, did you state in your affidavit that Hagen visited Rostock in Berlin?

A. Yes.

Q. Then, Miss Eyer, why have you changed your testimony in regard to Hagen visiting Rostock at Berlin?

A. I confused the name with Professor Seiss. I remembered that afterwards.

Q. Then, Miss Eyer, you are sure that Hagen visited Dr. Seiss, and you are not certain whether or not Hagen visited Rostock; is that correct?

A. No, but I assume that he visited him, too, because he corresponded with him.

Q. Witness, do you know the name Professor Dr. Rose?

A. Yes.

Q. Was Dr. Rose ever in Strassbourg?

A. Professor Rose was in Strassbourg twice.

Q. When did Dr. Rose visit Strassbourg?

A. For the first time in 1942 and then I believe at the beginning of '44.

Q. What did Dr. Rose do while he was at Strassbourg?

A. He visited Professor Hagen, and Professor Hagen showed him the institute, but what they talked about I do not know.



Court No. 1

Q. At this time was Prof. Hess dressed in the uniform of the Luftwaffe?

A. Yes.

Q. Now, witness, do you know the name of Dr. Schroeder?

A. Yes, Prof. Schroeder was at Strasbourg; he was there once.

Q. What did Dr. Schroeder do while he was at Strasbourg?

A. I am sorry, I did not understand.

Q. What did Dr. Schroeder do while he was at Strasbourg?

A. He visited Prof. Hagen; Prof. Hagen showed him the institute.

Q. When did Dr. Schroeder visit Strasbourg?

A. It was in 1944, as far as I can remember.

Q. Witness, was Dr. Schroeder dressed in the uniform of the Luftwaffe?

A. Yes, he wore the uniform of a First Adjutant with three lapels.

Q. Did Dr. Hagen comment on the visit of Dr. Schroeder at all?

A. Prof. Hagen told me that this was his top boss.

Q. Now, witness, did you ever hear; pardon me; witness, did you or your associates ever protest to Dr. Hagen, or his assistant Dr. Graefe, against the experiments on human beings?

A. Yes, we complained to Dr. Graefe, and Dr. Graefe told us that the experiments were conducted on Poles, and he said that Poles were not human beings. He said Poles are not human beings.

MR. HADLEY: I have no further questions, your Honor.

THE PRESIDENT: Does Defense Counsel desire to cross-examine this witness?

CROSS EXAMINATION

BY DEFENSE COUNSEL, DR. ROBERT SEYMOUR:

Q. Witness, you have told us that reports were sent to the Reich Research Council; how long were those reports?

A. How long pages do you mean?

Q. Yes.

A. One, two some times three pages.

Court No. 1

Q. Were also short reports submitted which only contained a very few phrases?

A. No. A few letters were sent to Prof. Rose.

DR. SERVATIUS: I do not have any further questions.

BY DEFENSE COUNSEL, DR. OTTO NELTE:

Q. Witness, have you deposed an affidavit?

A. I don't understand

Q. You have made an affidavit?

A. Yes, I made a report.

Q. You have made a report?

A. Yes.

Q. With whom have you discussed this report prior to writing it?

A. Mr. — I don't know the name any more; Mr. Tavarner I think.

Q. How often has he talked to you?

A. He has in Strasbourg once.

Q. I asked you how often he talked to you.

A. Twice, he talked to me twice.

Q. Did he make any suggestions to you in the course of the conversation; or, did he ask you any questions of a certain kind?

A. He wanted to know exactly about the various research assignments; I told him what I knew.

Q. Witness, I am asking you that for the reason because after all the witness has deposed in the form of a report and not in the form of questions and answers, and I want to ask you at this time if you have made the record which we have on hand here in the same form immediately by yourself, or if you have corrected it at a later period of time.

A. No, Mr. Tavarner took the thing down as I told it to him and then they were typed. Of course he asked me about Dr. Schroeder and whether I knew of these people and what I knew about them.

Q. And you talked with Mr. Tavarner twice -- on two different occasions?

Court No. 1

A. Yes, this morning.

Q. You talked with him this morning?

A. Yes.

Q. I want to know if he has interrogated you twice at Strasbourg.

A. No, once at Strasbourg.

Q. And then this record is correct; have you seen it today?

A. I read it through.

Q. Just as it was presented to you here?

A. Yes.

Q. And is that the first record you had previously made?

A. Yes.

Q. Now, you have stated in this record that also reports about the experiments were sent to the ONW; is that correct?

A. Yes.

Q. When?

A. In 1944.

Q. Did you also tell that to Mr. Favarger?

A. I think so.

Q. I am asking you because in the affidavit, the period of time in 1944 is not set forth.

A. But it was in 1944.

Q. I only want to know if you also told Mr. Favarger about that in Strasbourg and that this was the case beginning in 1944?

A. I don't remember if I told him that in Strasbourg; that was two years ago; I may be mistaken.

Q. That was two years ago?

A. Over two years since I worked at the institute.

Q. I see. What you want to express is that you cannot recall the date exactly any more.

A. I can't remember dates exactly; I can give the year, but I can't give

give any exact dates.

Q. Now, you have spoken of research orders, and on one occasion about research assignment of the Luftwaffe, and then by research by assignment of the Reich Research Council, and you have stated that reports were submitted to these agencies every three months.

A. Yes, three months.

Q. Then you have testified that the OKW was interested in the reports.

A. The OKW wanted to have reports on typhus.

Q. What do you mean by typhus reports; what do you mean by OKW?

A. The High Command of the Wehrmacht.

Q. Yes, I believe that with your knowledge of the organization, you should know.

A. My knowledge was not as exact as that. I only know that the high command of the Wehrmacht wanted to have reports; I learned that from a letter.

Q. You do not know for example, who signed it?

A. No, I don't recall.

Q. Or what agency in the OKW demanded these reports?

A. No, I don't know that either.

Q. Therefore, it is correct that up until the year 1944, well into the year, the OKW did not receive any reports?

A. Yes, as far as I recall.

Q. And secondly, it is correct that you are unable to state what agency of the OKW demanded these reports?

A. I cannot state that; I don't remember that.

Q. Why I ask you further, if more details were given in these reports about the question of experiments on human beings. I want to draw your attention to the following fact: In paragraph 7 of your affidavit you say that once every seven months reports were sent to the Reich Research Council, Ministry of the Luftwaffe, as well as to the agency at Berlin. Now, you added the following sentence: you added that I have also sent reports to the OKW, and



15 Jan-4-JP-19-5-Sampson.

Court No. 1

now the following sentence from the reports about typhus which was directed to the Inspectorate of the Luftwaffe. It was shown clearly that experiments were being carried out on living human beings. May I assume from this that you are trying to state that this is the report which was sent to the OKW in 1944? This is not clearly stated.

A. I cannot remember the report to the OKW exactly; I do not know what they showed.

MR. MELTZ: Thank you very much.

BY DR. PEIRHILL (for the defendant Rostock):

Q Before I begin interrogating you I would like to state a fact to you. You realize that at the beginning of this interrogation you have given a solemn oath?

A Yes.

Q Furthermore, you must surely realize that you are standing before a very high Tribunal here where very large crimes are concerned and in this case it is a matter of life and death of the defendant?

A Yes, I know that.

Q Therefore, you will understand that your testimony as a witness is extremely important?

A Yes.

Q That you realize your own responsibility?

A Yes.

Q You surely realize, also, that the correspondence which is not here before the Tribunal, the testimony about such correspondence is extremely important?

A Yes.

Q Now, at the time in this affidavit you stated, with regard to my client Dr. Rostock, that Haagen had visited him regularly in Berlin. Now you have corrected that today "to the best of your knowledge".

A Yes.

Q You have stated to the Tribunal that your assumption at that time was wrong and that the person which you saw at the time was Mr. Seis.

A Yes.

Q However, then you have answered your question of the Prosecution when he asked you if Haagen also visited Rostock, "I assume that".

A Yes. I don't know exactly.

Q That is just it. I would like you to answer with yes or no.

A I don't know exactly.

Q Will you please wait until I ask the question. Do you know from your own personal observation if Haagen visited Rostock in Berlin?

A From my personal knowledge I do not know that.

Q Thank you. That is what I understood previously. Now, if you realize of what importance I consider your testimony and, after having corrected that this was mistaken identity, I would like to ask you if in this correspondence which was sent to the Reich Research Council if, in your opinion, you might also be mistaken in that information?

A I do not believe so. The letters were signed with Rostock, but as far as I remember they were signed Rostock.

Q Now you say, "I can't state". Is that correct?

A As far as I remember.

Q You remember the name?

A Yes.

Q You also remember the contents?

A No, I do not remember the contents.

Q Is it possible that this correspondence may have dealt with the following subject? That is, it was correspondence from the year 1944, rather the end of the year, about fears of an influenza epidemic which was being expected for the winter 1944-1945? Do you recall that perhaps?

A An epidemic was mentioned but whether that was in the correspondence I do not know.

Q But you did have such an epidemic? However, you cannot tell this High Tribunal with certainty and under oath that Professor Haagen reported to Rostock about these terrible experiments?

A Not to Rostock. Reports to Rostock with name -----

Q Therefore, it was a completely different sort of correspondence?

A I don't understand.

Q Therefore, there is a possibility it was some other correspondence?

A Yes.

Q Than that which was sent to Rostock?

A I don't quite understand.

Q I am just asking you that certain letters to Rostock, if you can

remember that, and we discussed the possibility they were concerned with the terrible experiments.

A That may be, but we often received letters from Professor Rostock.

Q However, you cannot state that they were letters about these experiments on human beings?

A No, I cannot say that.

Q Thank you. That is what I understood. I do not have any further questions.

BY DR. MARX (for the defendants Schroeder and Dr. Becker-Freyseng):

Q Miss Eyer, what positions did Professor Hagen occupy and what activity did he exercise?

A Oberarztfuhrer in the Luftwaffe and at the same time consultant hygienist until 1944. From 1944 on he was directly under the Air Fleet Physicians Center.

Q But now you state - what month of the year 1944 did these changes occur?

A I do not remember.

Q You do not recall exactly any more?

A No, I do not know.

Q You stated in your affidavit "I knew of the whole correspondence of the Institute as well as the secret correspondence". Therefore, you make a difference between secret correspondence and the remainder of the correspondence?

A Secret correspondence I mean the research work, and general correspondence had no reference to it.

Q Yes. However, there was correspondence which was classified as top secret. To what agency was this correspondence sent?

A To the Chief and Inspector of the Medical Service, and to the Air Fleet Center, and the Reich Research Council.

Q I must ask you to think over very precisely in this case what you have just stated. You stated this secret correspondence had been sent to the  
1768



Inspectorate of the Luftwaffe. Was it not sent exclusively to the Reich Research Council and offices of the SS?

A. No, I know nothing about the SS.

Q. I mean that for scientific research —

A. It was the Reich Research Council, the Air Fleet Center, and the Chief and Inspector of the Luftwaffe. These things were generally treated secret. At least, marked secret when the reports were sent in.

Q. Any difference between top secret and secret?

A. A letter from the Reich Research Council was marked specifically that research work was to be dealt with as top secret.

Q. Yes, I see. Did you hear about these experiments unexpectedly — at the time the typhus epidemic at Natzweiler came?

A. Yes. That was in 1944.

Q. Was some action taken then by the Luftwaffe Inspector?

A. The Luftwaffe Medical Inspectorate wanted to know if the epidemic had any respect to Haagen's work there. Haagen wrote back it had nothing to do with it, that the epidemic had broken out itself.

Q. Wasn't it brought in from outside?

A. No, I don't remember.

Q. Miss Eyer, you further stated that every three months reports about experiments were sent to the Inspector and Chief of the Medical System of the Luftwaffe and the Reich Research Council. Is that correct?

A. Yes. That may have been later. I don't know exactly — after every three months.

Q. I am now asking you — did three months reports of importance at similar intervals, which were addressed to the Luftwaffe — did they not deal with experiments of consulting physicians where they discussed observations in great experiments and make suggestions for potential changes. Just a moment for your clarification. After all Professor Haagen was consulting hygienist of the Air Fleet Research, is that right?

A. That is right.

Q. Now, was it that these reports composed themselves of his activities as consultant hygienist of the air fleet "Reich"?

A. The reports were sent in after the time Professor Haagen undertook the inspection - after 1944 - the reports were sent in every time. They were also kept secret.

Q. There was also work by Professor Haagen with Dr. Credal and this work referred to a new typhus vaccine. You know anything about that?

A. I typed the reports but I don't know what was in them because I am no expert. Never studied medicine.

Q. Wasn't there work which were submitted to have approved for publication? Did you understand my question?

A. Yes.

Q. There was some scientific work which had to be submitted in order to have it examined so that it could be permitted to be published?

A. That is right.

Q. Were there also reports frequently which Professor Haagen had composed together with Frl. Credal, were they reports which were supposed to be published which had been previously submitted for examination?

A. Yes. Such reports were sent in.

Q. It is correct that Professor Haagen reported about the status of his research examinations which had been given to him by the Reich Research Council every four months?

A. Yes, that is right.

Q. Were these examinations classified as top secret?

A. The reports which were sent in, no.

Q. What sort of reports, do you mean in typhus research which were sent to the Chief of the Medical Inspectorate of the Luftwaffe. Some one could assume that the experiments on human beings were being carried out. You stated in your affidavit that there were reports about typhus experiments which were sent to the Medical Service of the Luftwaffe and which clearly showed they dealt with experiments on human beings. What do you mean by that?

A There were about fifty prisoners who were infected with virulent vaccine.

Q Are you trying to claim now that this statement was contained in a report to the Medical Chief of the Luftwaffe?

A I do not remember that exactly.

Q. Perhaps it may be that you have made a mistake in two different facts. When the Luftwaffe Medical Inspectorate asked what had caused the typhus epidemic in Natzweiler to which Professor Haagen replied that this had nothing to do with the experiments and that this epidemic had been brought into Natzweiler from the outside.

A. No. A report was made on the typhus research but since I do not understand enough about the report I can't talk about it - I can't explain it to you but it did indicate that experiments were conducted on human beings.

Q. Well, you mean that this was really contained in the report or is this only one of your conclusions?

A. It is a conclusion of mine. I say that I do not understand enough about .....

Q. Therefore, I can say that it is only a conclusion by you. However, that you can't state that this was explicitly contained in the letter or report?

A. No, I cannot swear to it.

DR. MARX: I do not have any further questions.

DR. SAUTER: (Defense Counsel for defendant Blome): Mr. President, I have only a few brief questions.

Witness, you have previously told us about the research assignments which the Reich Research Council had given to Professor Haagen of the reports which Professor Haagen on his part submitted to the Reich Research Council. Have you seen these assignments which the Reich Research Council gave to Professor Haagen?

A. Yes, there was a letter which was marked "top secret" in which the research assignments were given numbers and they were given the Priority D.

Q. Have you only seen one written assignment of this kind or several? I'm talking about assignments of the Reich Research Council.

A. One. All four research jobs were contained in this one letter. Each was given a number.



Q Then, if I understood you correctly, there were four research assignments at the same time?

A Yes, in the one letter, yes. They were given Priority D. All four were given different numbers.

Q Were any other assignments, besides these four of which you have just spoken, given by the Reich Research Council or did any other ones come to your knowledge?

A No, I don't believe so.

Q Therefore, there were only four?

A Yes.

Q Do you know who assigned this assignment of the Reich Research Council? I am asking this quite specifically - if the name of Blome ever appeared on the letter of the Reich Research Council? Blome - I am spelling to you - B L O M E?

A I do not know.

Q You cannot recall at all?

A No.

Q In the reports which Professor Haagen then submitted to the Reich Research Council was there no name on the address -- to whose attention?

A They went to Dr. Breuer usually.

Q They were usually sent to Dr. Breuer?

A Yes.

Q Can you recall if at any time any of these reports were directed to Professor Blome?

A No, I do not.

Q Did you at all, until today, hear the name of Professor Blome in connection with these research assignments?

A I do not remember the name but it may very well be. Sometimes I have a poor memory.

Q And from the correspondence which passed through your hands you cannot recall anything either with regard to Blome?

A No.

Q I thank you.

I do not have any further questions.

DR. FRITZ (Defense counsel for defendant Rose): Miss Eyer, I have only two questions to ask you.

When you were interrogated by my colleague, Dr. Servatius, amongst other things you have testified that also some correspondence took place between Professor Haagen and Professor Rose.

A Yes, that is right.

Q Was this correspondence frequent or infrequent?

A It was not very frequent.

Q Thank you.

A Perhaps five or six letters altogether.

Q Then I have one additional question. In the affidavit which has already been mentioned several times you have stated there that - under paragraph 9 - that Professor Rose was the Inspector of the Medical Service of the Luftwaffe?

A That's not right. I did not say that.

Q However, it is stated in the German translation.

A That is a mistake. I didn't say that.

Q Then you want to correct yourself?

A Inspector?

Q Yes, I can read it to you.

A No, I never said that.

Q Thank you. I do not have any additional questions.

THE PRESIDENT: The affidavit will be handed to the witness to allow her to read it. The affidavit concerning which the witness was interrogated should be handed to her so she may examine it.

MR. HARRY: The affidavit is in the French language. I have a copy here and I will hand it to the witness.

(Affidavit was handed to witness)

THE PRESIDENT: Does the witness read the French language?

WITNESS: Yes.

THE PRESIDENT: Is the affidavit which was just handed to the witness in the French language or in the German language?

WITNESS: German. Excuse me, French.

THE PRESIDENT: Counsel may call the attention of the witness to the portion of the affidavit concerning which he interrogated her.

MR. FRITZ: Miss Eyer, under Paragraph 9, it is stated - and this is also in the French text which I have also seen - "Professor Rose, Inspector of the Medical Service of the Luftwaffe". It is mentioned that he came to Strassbourg twice.

WITNESS: "Oberstarzt" Rose to Strassbourg twice? What it says here is a mistake. I didn't notice it when I read it through. I have already told you that somebody else typed it and I didn't read it good enough and that escaped me.

Q. Therefore, it is wrong as it stands now.

A. Yes, it is wrong.

Q. Another small mistake, Miss Eyer. In the same paragraph 9 it is stated and you have also repeated that earlier today that Professor Rose had gone to Strassbourg for the first time in 1942?

A. Yes.

Q. The fact is and has also been testified here by the witness Schmidt that Professor Rose came to Strassbourg for the first time in 1943, to visit Professor Baagon.

A. That is possible.

Q. I do not have any further questions.

MR. MARK (Defense Counsel for defendant Schroeder): Pardon me, Mr. President, I request that I can ask the witness some further questions.

THE PRESIDENT: You may interrogate the witness.

MR. MARK: Miss Eyer, can you still recall the contents of the letter which were addressed to the Central Air Physician, Berlin, personally, with

a copy for the Medical Chief of the Luftwaffe? That is, a letter to the Central Air Fleet Physician, Berlin, with a copy for the Medical Chief of the Luftwaffe. Can you still recall such letters?

A. I remember that I wrote them but I do not remember the contents.

Q. You cannot recall the contents any more? In your affidavit you spoke of "virulent vaccines". What do you mean by that?

A. I just remembered the phrase from a letter which I wrote once.

Q. Well, in my opinion, in your affidavit you have talked about virulent vaccines.

A. Yes, that was in a letter that fifty prisoners were infected with virulent vaccine.

Q. Do you know what virulent vaccine is?

A. I assume that the disease was injected into the prisoners through the vaccine but I do not know exactly. I have never studied medicine.

Q. Yes. There are two kinds of vaccines - one virulent, one non-virulent. Therefore, in my opinion, it is a living bacteria. Correct?

A. Because it was virulent I assumed that it was to give the prisoners the disease. If it had not been virulent it would have been less dangerous probably.

Q. That is a matter which we shall leave to the experts. You spoke of jaundice experiments. However, you stated that you did not know if the patients at Wittenan Kron prison Allee had had jaundice.

A. I don't know. I only saw a few letters that mentioned it.

Q. Are you mixing up jaundice and yellow fever here?

A. No, that was yellow fever.

Q. You know what we mean by yellow fever?

A. Yellow fever is a tropical disease. Jaundice.....

Q. There are two kinds of jaundice. One is hepatitis - connected with paralysis of the liver.

A. Hepatitis epidemic.

Q. Well, there are still others. Once you stated that the experiments with yellow fever were concluded in the year 1943?



A In 1942.

Q Already in 1942?

A I believe so. They were not completed, they were stopped.

Q As far as I know this was connected with the termination of the Africa campaign.

A Yes. If it was 1943 that was 1943.

Q That was 1943 then. Thank you.

THE PRESIDENT: Any further cross examination of this witness?

Is there any redirect examination by the Prosecution?

REDIRECT EXAMINATION

MR. HARDY: Miss Eyer, in regard to these reports sent to the High Command of the Wehrmacht, could it have been that the reports were sent to the Chief of the Medical Service of the OKW?

WITNESS: I didn't understand the question.

DR. MELTE (Defense Counsel for defendant Handloser): I object to this question. The witness has replied to my question clearly that she could not recall to what office of the OKW these reports were submitted and I have asked the witness what signature was placed on the questions of the OKW and she stated that she was unable to recall and finally she answered to my question that she could not recall the reports to the OKW any more. After that, this question by the Prosecutor can only be of a leading kind.

A In 1942.

Q Already in 1942?

A I believe so. They were not completed, they were stopped.

Q As far as I know this was connected with the termination of the Africa campaign.

A Yes. If it was 1943 that was 1943.

Q That was 1943 then. Thank you.

THE PRESIDENT: Any further cross examination of this witness?

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REDIRECT EXAMINATION

MR. HARDY: Miss Eyer, in regard to these reports sent to the High Command of the Wehrmacht, could it have been that the reports were sent to the Chief of the Medical Service of the OKW?

WITNESS: I didn't understand the question.

DR. NELTE (Defense Counsel for defendant Handloser): I object to this question. The witness has replied to my question clearly that she could not recall to what office of the OKW these reports were submitted and I have asked the witness what signature was placed on the questions of the OKW and she stated that she was unable to recall and finally she answered to my question that she could not recall the reports to the OKW any more. After that, this question by the Prosecutor can only be of a leading kind.

THE PRESIDENT: Objection sustained.

BY MR. HARDY:

Q. Miss Eyer, when you said in your affidavit that Dr. Rose was inspector of the Medical Service of the Luftwaffe, did you mean to say that Professor Rose was from the office of the Inspector of the Medical Service of the Luftwaffe and that he was not the Inspector?

A. Yes, he belonged to the Medical Service of the Luftwaffe, but he was not Inspector; at least, I don't believe so.

Q. Now, in these typhus experiments conducted by Dr. Haagen in Mauthausen, did Dr. Haagen infect the concentration camp inmates with typhus?

A. Yes, with virulent vaccines.

Q. Now, when you say virulent vaccine, do you mean virulent virus?

A. With virulent virus. That is what I meant, yes.

MR. HARDY: I have no further question, Your Honor.

MR. FRITZ (Defense Counsel for Defendant Rose): Mr. President, I still have one additional question to put to the witness which has arisen from the examination by Mr. Hardy.

THE PRESIDENT: Counsel may proceed.

RE-CROSS EXAMINATION

BY MR. FRITZ:

Q. Miss Eyer, to the last question of the Prosecutor you replied that the prisoners had been vaccinated with virulent virus. To a further question you stated that you meant with virulent vaccine. I am now asking you whether you can tell me the difference, for example, between virulent vaccine and a virulent vaccine virus.

A. No, I assumed that the 50 prisoners in question had to be given that disease so that the typhus experiments could be conducted on them. I have already said that I do not understand about these things.

Q. Thank you, that answers the question sufficiently.

THE PRESIDENT: There being no further questions, the witness may

Court No. 1

excused.

(The witness was excused.)

MR. McHANEY: I would now like to offer Document NO 891, on page 52 of the English Document Book, as Prosecution Exhibit 111. This is a memorandum or directive from the Reich Minister of the Interior, Berlin, 6 September 1944. It is addressed to: (a) The Reich Governor, (b) The administration of the provincial association, (c) the County residents, (d) the Police President in Berlin, (e) The Lord Mayor of the Reich Capital Berlin. It is concerning "mentally insane Eastern workers and Poles -- Circular Decrees of the Reich Minister of the Interior of --" and then follows some sort of number and letter reference.

"1. Due to the considerable number of Eastern workers and Poles brought into the German Reich for labor employment, the assignment of mental cases among them to German asylums is constantly increasing. The purpose of such assignments must be in any case the possibly speediest recovery to working ability. Thus, to these mentally insane people too all the means of modern therapy must be applied.

But due to lack of space in German institutions, it can not be justified that patients who are not considered as curable can be able to work again in a reasonably short time and remain permanently or for a long time in German institutions. In order to avoid that the following is ordered:

"2. In the following list I established for each district in the Reich a collective list for incurable mentally insane Eastern workers and Poles. They should be assigned to the institutions immediately if possible. In case this is impossible due to urgency or transportation difficulties, the institution in question should deliver their Eastern, Polish patients to the collecting institution in their respective district within at the latest one month. It is not necessary to carry out the removal if the patient is considered as being able to leave the institution within six weeks at the latest.



"3. It is the task of the collecting institution to decide whether the restoration of working ability might be considered within a reasonable period of time.

"4. The charge of costs from the date of registration in the collecting institution is to be taken over by the Head of the Central Financial Clearing Office of the Sanitarium in Lins/Oberdonau, P.O. Box 324, which has to be informed immediately of such assignments. The fixed rate for patients of the general class will be paid to the institutions. The Eastern workers and Poles already assembled in collecting institutions are to be reported on a list immediately to the Central Financial Clearing Office. The charge of costs for these patients is transferred as from 1 October 1944 to the Central Account Office.

"5. After four weeks of the registration in the collecting institution, at the latest, a short report on the prognosis of the case and on the question of working ability has to be sent to the head of the Central Financial Clearing Office. It is the task of that office to direct the transportation of patients from the collecting institutions to nearby special asylums in their home district.

"6. As Poles are to be considered only those who were brought into the Reich for labor employment. This decree does not apply to local Polish population.

"7. The leaders of the Gau, etc., mental institutions are to be informed by their superior officials and the leaders of welfare and private institutions by their competent higher administrative authorities. The required copies are enclosed herewith."

And there follows a list of collecting institutions, which we need not mention here particularly, except number 9: "Für Kurhessen, Nassau und Land Hessen: Mental Institution Hadamar."

"By order: Wiesbaden, 11 September 1944, Landeshaus."

A copy is noted as having been received by the County Mental Institution,

Court No. 1

Eichberg, "with the request to acknowledge and to take further steps."

This document indicates that those Eastern workers who had been forcibly brought into Germany, who no longer were able to work and who were considered as a burden on the mental institutions in Germany were to be brought together in a collecting institution and, unless they could be discharged in a matter of six weeks, they were to be exterminated and brought under the scope of the euthanasia program. I now would like to offer Document NO 1116 on Page 55 of the Document Book as Prosecution Exhibit 415.

This is a judgment, or rather, an extract from the review and recommendations of the Deputy Theater Judge Advocate in the case of the United States vs. Klein, Kuhlmann, et al, held at Wiesbaden, Germany, from 8 October 1945 through 15 October 1945.

I do not think that it is necessary for me to read these extracts into the record. I'll state briefly that this is a review of a judgment handed down by a duly appointed military commission of the United States Army in the case of a number of Germans who were tried for participation in the execution of persons of Polish and Russian nationality at Hadamar Institution, which, as we know, was one of the extermination institutions in the euthanasia program. The facts here involve the execution of in excess of 400 Russians and Poles between the dates 1 July 1944 and 1 April 1945 at Hadamar, Germany.

Suffice it to say that three of the seven individuals tried were sentenced to be hanged by the neck until dead, that one was confined to hard labor for life and one for 35 years, one for 30 years, and one for 25.

The Court found that it had jurisdiction to try these individuals for the murder of persons of nationality other than that of the trying Tribunal. In other words, the fact that the persons executed were not of American nationality did not preclude the Court from trying jurisdiction.

THE PRESIDENT: Wasn't that matter settled by the Judges of the International Military Tribunal, Dr. McNamara?

15 Jan-A-JP-22-5-Haynes

Court No. 1

MR. MCRAVEY: Sir?

THE PRESIDENT: Wasn't that matter more or less settled by the International Tribunal?

MR. MCRAVEY: Yes, I think so. Yes, Mr. Hockwald will now proceed to introduce --

THE PRESIDENT: The Tribunal will now recess until 9:30 o'clock tomorrow morning.

(The Tribunal adjourned until 0930 hours, 15 January 1947).

CORRECTED COPY

Official Transcript of the American Military Tribunal in the matter of the United States of America, against Karl Brandt, et al, defendants, sitting at Nuernberg, Germany, on 16 January 1947, 0930, Justice Beals, presiding.

THE MARSHAL: The Honorable Judges of Military Tribunal I.

Military Tribunal I is now in session.

God save the United States of America and this Honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, you will ascertain if the defendants are all present in the courtroom.

THE MARSHAL: May it please Your Honor, all the defendants are present in the court.

THE PRESIDENT: The Secretary General will note for the record the presence of all the defendants in the courtroom.

This morning Tribunal I convenes at 9:40 o'clock, a delay which was due to mechanical difficulties in the recording appliances of the court. They having been promptly repaired by the efficient agents in charge of them; the court now convenes at 9:40 o'clock. The prosecution may proceed.

DR. HORN: May it please the Tribunal, the last document which was presented by Mr. McHaney last night was NO-1116 which was prosecution Exhibit 415. I also offered into evidence a set of documents which were prosecution exhibits in the case against the defendants Wahlmann and so on, excerpts which were read into the record by Mr. McHaney. The first document is NO-1117 which will be on page 66 of Document Book, Your Honor, which will be Prosecution Exhibit 416. It is a statement of Alfons Klein. I do not want to read this document into the record. The next document I offer is also an exhibit from the Hadamar case, prosecution



16 Jan 47-M-EE-1-1-Foster (FL)

Court No. I

exhibit from the case, MD-750, on page 69 of the document book and will be Prosecution Exhibit 417. I quote:

"Before me, Capt. Luke P. Rogers, being authorized to administer oaths, personally appeared Philipp Blum, who, being duly sworn through the interpreter, made and subscribed the following statement.

"My name is Philipp Blum, I live in Frickhofen, Germany, I am

Court No. I

a cousin of Alfons Klein. Since 1940 I had been in the Hadamar Dental Institution. There I had to take care of the switchboard until February 1943, when I took over the burials. Klein ordered me to take over this job.

"In November 1942 Klein became administrative inspector of Hadamar and he still held that position in August 1944 when I left. Klein was Chief of the Hadamar Institution and issued all orders.

"Bernstet was district councillor (Landesrat) and used to visit Hadamar frequently; there he had conferences with Klein and Wahlmann.

"Wahlmann was the physician in charge of Hadamar and conducted all medical treatments in the Institution. Every morning a conference between Wahlmann, Chief-nurse Ruoff and the female chief-nurse Huber took place.

"Two or three months before I left the Institution to join the Wehrmacht, Russians and Poles began to come to Hadamar. Klein told me that these Russians and Poles were afflicted with TB. All these Poles and Russians were brought to Ward 1b on the ground floor. If there were too many for this ward they were brought to ward 11a on the first floor. The female nurses Bachbarta and Bollin worked in ward 1b, Zackow, Willand, and Borkowski in 11a.

"Ruoff and Willig gave, as far as I know, injections to all these Poles and Russians. All these Russians and Poles were dead about two hours after their arrival. Both the male and female nurses informed me usually when they were ready to be buried.

"The female nurses informed me of the death of these people so that they could clean up the rooms and make the beds. I then carried the bodies down to the cellar.

16 Jan 47-M-44A-1-3-Foster (FL)

Court No. 1

"I entered the names of the dead into a burial book in Merkle's office. Merkle kept a register of the dead, based on the documents carried by the Russians and Poles. When the Russians and Poles arrived, their documents were handed over to Klein, who in turn gave them to Merkle. Every morning Merkle gave me a slip of paper with the names of those who were to be buried the same day.

"With the aid of a few insane people, I used to carry the bodies to the cemetery and to bury them there. I used to bury 8 to 20 in one grave and I used to enter in the burial-book where they were buried. I estimate that I buried perhaps one hundred Russians and Poles while I was there.

"Once came a large transport of Russians and Poles to Hadamar. There must have been forty or fifty in this transport. They were brought from Limburg in trucks. Everybody in the institution knew, that a large transport of Russians and Poles was to arrive from Limburg. I was present when these Russians and Poles arrived, and they were brought to ward 11a and 1b. Ruoff gave injections to these Russians and Poles. The nurses undressed the women and brought them to bed. I remember for certain, that nurses Hackborth, Baillie and Zachow were present. I am not quite sure, if the chief-nurse Huber or the others were there. I took all clothing down to the cellar with the aid of some of the inmates. I was present until all these people died, which lasted about two hours. I carried them down to the cellar with the assistance of a couple of inmates; they were to be buried the next day.

"I was a member of the National socialistic party since 1933."

(Signature) Philipp Blum.

The next Document No. 751 of the Document book will be Prosecution Exhibit 418: it is also a Prosecution Exhibit of the Hadamar case; a statement of Karl Willig, which I offer into evidence without reading it into the record.

So is the next Document No. 730 on page 73, which will be Prosecution Exhibit 419.

The next Document - Document No. 726, which I offer into evidence as Prosecution Exhibit 420. This is also a Prosecution Exhibit of the Hadamar case. This is a summary of the people killed, the foreigners killed at Hadamar and saves the following: Poles - 80; Russians - 380; Russians or Poles - 16; Grand Total 476, of which are men - 263; women - 197; and children - 16.

The next document is a list of the names of the foreigners killed in the Hadamar Euthanasia station, Document No. 727, which will be Prosecution Exhibit 421 on pages 18 to 95 of the Document book. The list is Document No. 731.

THE PRESIDENT: The counsel will proceed a little more slowly with the



totals of these Exhibits.

MR. ROCHMID: I beg your pardon, sir.

THE PRESIDENT: Just read the title, number and page of the Exhibit to which you are referring.

MR. ROCHMID: Yes sir. The Document 727 starts on page 80 of the Document book and will be Prosecution Exhibit 421. It is a list of names of foreign nationals, who were killed in the Hadamar Euthanasia Station. It is one of the Prosecution Exhibits in the Hadamar case. This Document is on Pages 80 to 95 of the English Document Book.

The next Document No. 731 on page 96 of the Document Book will be Prosecution Exhibit No. 422, also one of the Prosecution Exhibits from the Hadamar case. It is a statement of Heinrich Ruff.

The next Document, Your Honor, is No. 729 on Page 99; also one of the Prosecution Exhibits, which is an interrogation of the witness Frederick Dickmann.

THE PRESIDENT: What will be the number of that Exhibit?

MR. ROCHMID: This is Prosecution Exhibit 423, sir.

The next Document on Page 105 of the Document Book is No. 752, which will be Prosecution Exhibit from the Hadamar case, a statement of Heinrich Ruff. It is another statement of Heinrich Ruff.

The next Document, which I offer into evidence, is on page 110, Document No. 806, which will be Prosecution Exhibit 425. It is a sworn statement of Otto Bringer and I quote:

"Before me, Jettius Schumacher, acting in accordance with article 1 and 3 of the Decree of the Grand Duchy of 3 July 1945 concerning War Crimes, appeared today, 16 October 1946, Herr Otto Bringer, physician, born 29 November 1904 at Kolmar-Berg, domiciled in Walferdingen, who being duly sworn as a witness, stated:

"As a physician, I was assigned for duty to the Mental Hospital Bickberg near Eltville-Wiesbaden-Rheinlan. In this capacity, I remained in the institution from 2 March 1942 to 26 July 1943. Director of this Mental

Institution was the Chief Physician SS-Obersturmbannfuhrer Fritz Mennecke. The First Physician's name was Walter Schmidt. He also held the title of SS-Obersturmbannfuhrer. The institution was built for 600 inmates, but temporarily accommodated 1400. It was an open secret in the Gau that the chief physician Mennecke was directed by Himmler to comb the mental institutions all over Germany for mentally sick people whom he brought, among other places, to Hadamar where they were gassed. Indeed, I could make the observation that during my stay at Eichberg the named physician Fritz Mennecke was continuously away on travels. At the time when Mennecke was chief physician and SS Walter Schmidt was first physician of the institution the following incident occurred, late in the fall of 1942, which I witnessed with my own eyes. One day, in this late fall of 1942, Mennecke said to me: 'The first physician Schmidt will come to your station tomorrow and then he will give a treatment to the patient Kessler. Order came from Berlin to let the man disappear.'

"Next morning, at 10 o'clock Schmidt gave Kessler an injection of 5 cc's luminal. The luminal was injected intramuscularly. The victim passed out, then he was completely undressed and brought into a sort of bath room, a room that was laid out with glazed tiles and there he was laid on the floor. The window was opened. At 5 o'clock Kessler received a second injection; this was the same evening that he got that second injection. When I was at the station next morning, I asked a male nurse, whose name was Schaaf, how Kessler was getting on; the named Schaaf showed me the victim Kessler, who still lay naked on the floor of the tiled room. The temperature in the room was ice-cold. Schaaf told me that Kessler had received another injection of 5 cc's luminal that morning. The third day Kessler passed away. In the death certificate, pneumonia was quoted as the cause of death. If an autopsy had been made pneumonia would have been found to be the cause of death, indeed. By the injections of luminal a paralysis of the breathing centers of the victim was caused. The prevailing cold was unavoidably bound to cause pneumonia.

"All the mentally defective children received by the Eichberg institution were murdered, none of them died a natural death. These mentally defective children were murdered by luminal injections. When saying none of these children died a natural death, I have to correct myself; by far the greatest number of them were murdered by luminal injections.

"The First Physician Schmidt also performed medical or pseudo-scientific experiments on these mentally defective children. Systematically quantities of up to 60 cc cerebro spinal fluid was withdrawn from the children by sub-occipital puncture and in its place air was blown in. This caused terrible headaches to the children, so that for half a day they yelled loudly and vomited. After air was pressed into the children's cranium, the children were X-rayed. The person - self responsible for these experiments and for the murder of the mentally defective children - was the head nurse Helene Schulerch from Syabin. This head nurse originated from Muerthensberg and must have had her home near Stuttgart. Her guilt in regard to these crimes was just as great as the guilt of SS-Obersturmbannführer Walter Schmidt.

"In late July 1943, I left the institution Eichberg in order to settle down as a physician in Kirchen am der Sieg, because I had loved. I still came to Eichberg a few times. At the occasion of one of these visits, I heard in the institution that 5 to 8 Russian civilian internees had been received by the institution and had been murdered there in a mysterious way.

"This my statement, which in all details corresponds to the truth, was read to me; then I have signed it with my own hand."

(Signature) Dr. Beninger.

The next document, NO-893, is on page 113 of the document book and will be Prosecution Exhibit 426. It is a letter from The President (Administration of the District Union, Nassau), dated Wiesbaden 15 May 1943, to the District Mental Institution, Elchberg/Rhine, subject: Admission of partly Jewish minors to the Institution:

"By order of the Reich Minister of Interior I set up in the District Mental Institution Hadamar, District Limburg/Lahn an educational institution, to which all Jewish or partly Jewish children and youths, who are now under institutional care, in reformatories or in other institutions, are to be brought.

"For this purpose please send me at your earliest convenience, however not later than 20 May 1943, a list with the names of the partly Jewish minors; who are in the institution there. A report of missing inmates is likewise required.

"Please inform me in the future immediately of admissions of partly Jewish minors to your institution.

By order:

(signed) Bornotat, Landerrat"

The next document on page 114 is NO-896 and will be Prosecution Exhibit. "Kassel, 6 July 1945".

"Present, Public Prosecutor Kessler

and Justice employee Horroter as court reporter.

Summoned, the retired provincial councillor Otto Schellmann, born 19 November 1880 in Kassel, resident in Kassel-Hausenhausen, Saan district 5, appeared and stated the following, after having been informed about the subject of the examination:

"For the following statement I have, by way of precaution, obtained the consent of my agency.

"From 1912 on I was employed by the office of the governor (Landeshauptmann) in Hesse. On 1 September 1939 I entered the service with the Wehrmacht as a railroad station commander at the main station in Kassel. On 1 July 1941 I was discharged from the Wehrmacht because of a serious accident, and I returned to my civilian agency, where without interruption, until about June 1945, I acted as deputy of Landeshauptmann Traupel, who had in the  
1790



COURT I

meantime been drafted into the Wehrmacht.

"1. When I took up my position, on 1 June 1941, the so-called planned economy measures concerning the destruction of the so-called life unworthy of being lived in the sphere of care for insane persons were in full swing. I had until that time heard no details of these measures. They induced me, however, to have a detailed discussion at once with the heads of the three provincial mental institutions, under our jurisdiction - Heima, Merkshausen, and Marburg-Lahr. I emphatically instructed the heads of the institutions to take the position in their reports to the ministries, etc., that insane persons, even if they had only slight working ability, should absolutely be kept from 'transfer' to another institution. The consequence was that relatively few patients were included in the 'transfer'. At the end of August 1941 these planned economy measures were completely performed. They ceased there and as far as I know, were never performed. As far as I remember the insane persons are said to have been transported from our institutions first to the various institutions of the district agency of Nassau and from there to the district mental institution at Hadamar and Nassau. The order for the 'transfer' of insane persons did not pass through my office either but to my recollection came directly from the Ministry of the Interior to the institutions in question. As far as I recall, this Ministerial agency was camouflaged under the designation of a transport company, the orders of which were all forwarded as being secret.

"As the institution Hadamar belongs to the district of Nassau and therefore was not subordinate to the Landeshauptmann of Hessen, I am also not in a position to make a

COURT I

statement about the procedures carried out there especially with regard to the treatment of the patients. I personally never visited the asylum Hadamar since 1930.

"2. On 8 March 1943 a decree was issued from the Reich Minister of the Interior according to which mentally healthy partly Jewish minors (from approved schools) were to be assigned to the partly Jewish section of the Hadamar asylum. With regard to the scrupulous part that Hadamar had played during the treatment of insane persons I was of the opinion that I must be careful and asked on the occasion of my visit in the Landeshaus in Wiesbaden

whether proper treatment of these minor was guaranteed. To this question the lawyer of the institution Landesrat Bernotat answered affirmatively. I was especially assured that satisfactory and good schooling was guaranteed. After that I ordered our institutions at Homburg and Wabern to take care of the transfer of the children in question.

"To these measures were subjected the siblings Klara, Alfred, Meltraud and Amanda Gotthelf from Grosskottzenburg, District Hanau, who were transferred on 1 October 1943 to Hadamar. Soon afterwards we received the news that the children, who had up to then been healthy on the whole, died suddenly, Alfred on 20 October, Amanda on 22 October, Klara on 25 October and Meltraud on 1 November 1943. One other pupil named Warr (a partly Jewish child) who was also brought on 1 October 1943 from Homburg to Hadamar, died there 22 October 1943.

"Of course this disconcerted me and I demanded the Hadamar institution in letter of 13 November 1943 to inform me immediately about the cause of death, by enclosing the death certificate. As a reply to this I received a letter of

18 November 1943 from the asylum Hadamar that the four Gotthelf siblings died of enteritis; with regard to the death certificates I was referred to the registry office in Hadamar. To my recollection the latter then confirmed the death of the children by transmitting the death certificates.

"I was not able to forward my inquiry of 12 November 1943 to Hadamar any earlier because in the meantime on 22 to 23 October 1943, the office buildings of the district administration in Kassel had been destroyed by an air raid and as a result all commercial traffic was held up. Also all the files of the administration, in particular those concerning the siblings Gotthelf were destroyed, so that I am only able to speak about the further management of these cases from my own recollection.

"These strange circumstances disconcerted me so that my scruples could not be put aside even by the official statement of the Hadamar Institution. On the other hand I had to consider the fact that the official statements of the Hadamar Institution were at hand and could not be dismissed as ...."

(Pause for adjustment of sound equipment)

If Your Honors please, I'll resume my quotation from Document NO-896:

"On the other hand I had to consider the fact that the official statements of the Hadamar Institution were at hand and could not be dismissed as unworthy of belief. I would certainly have met with difficulties for I would never have succeeded, in case the official statements had not been right, in obtaining in answer to my inquiry a rectification or clarification of the procedures. Nothing else remained to me then to avoid a repetition of such events by means of preventive measures. Explaining the state of the case therefore I personally instructed the Heads of our institutions in Kassel and Hamburg by word of mouth to send no more children to Hadamar under any circumstances. After that it did not happen any more in any case. If someone had objected to these measures I would have refused to transfer further minors to Hadamar, pointing out what happened to the Gotthelf siblings. I declared this emphatically to a deputy of the Nassau District administration, I do not remember his name at the moment."

I'll skip the rest of the document and read only the signature:

"Signed Otto Schellmann."



COURT I

The next document on Page 118 --

DR. FROESCHMANN: Dr. Froeschmann, Counsel for the defendant, Viktor Brack. Mr. President, as I have just found out, the signature of Otto Schellmann which was just read into the record was not sworn to. The statement itself is an excerpt of some unknown German file, which originates from June, 1946, and contains the interrogation by a prosecutor Kessler unknown to me. I don't know that file. I do not believe that this document which is being submitted by the Prosecution can be admitted into evidence especially since the document which was not read in its entirety says on Page 128 of the German Document Book that the character of the interrogation by the Prosecutor was very confidential and that statements were made which were certainly not meant for the court.

DR. HOCHWALD: As the document itself shows, this was a statement made in the presence of a German public prosecutor and in the presence of a court reporter. I suggest and Counsel for the Defense will be certainly informed about this fact, that before the witness gives such a statement, the witness is warned by the public prosecutor that in case he should not say the truth he is punishable by law. This is a very similar procedure which was adopted for the obtaining of affidavits for Defense Counsel in this trial. I do think that this document is perfectly admissible.

THE PRESIDENT: Will you pass the original document to the Tribunal?

DR. SERVATIUS: Dr. Servatius, Counsel for the defendant, Karl Brandt. Mr. President, the legal statements made by the Prosecutor are not quite correct. It is not correct

16 Jan 47-14-LJG-4-1-Petty-(AK)

COURT I

to say that when examined before a prosecutor there is a warning that one has to say the truth and that one is punishable if one does not say the truth. According to German law it is the case that whenever one is interrogated by a prosecutor, there is no legal coercion to say the truth. Such obligation only exists if you testify before an examining judge who is commissioned to do that; that is to say, if the witness does not say the truth testifying before the prosecutor, he is not subject to punishment. In this case we are not concerned with a court file but only a file coming from the prosecutor's office. This may be

16 Jan 47-N - 4-2 - LJC - Putty

seen from the notes made on the file where the words "J.S., Number so-and-so" are contained. I also, therefore, do not think that this document is admissible.

THE PRESIDENT: The original German document exhibited to the Tribunal consists of two and one-half typewritten pages in the German language. It bears no signature but two typewritten names.

DR. HOCHWALD: The original of the document is with the files of the Frankfurt court, German court in Frankfurt as it was submitted in a German trial. This copy, Sir, was certified to by the German authorities as a correct and true copy. I possibly can get a German certification of the document.

THE PRESIDENT: The certificate attached to the document is simply a certification by one Patricia A. Radcliff that "This document is the original of a document which was delivered to me in the usual course of my official business as a true copy of the document found in German archives." That does not amount to a certificate that the document is a true copy.

DR. HOCHWALD: But we have a further document. The document room of OGC has a certificate which is not attached to the document in German which says that we obtained it; we certified the true copy.

MR. McHANEY: If the Tribunal, please, we will withdraw the offer until such time as the certificate is attached. It certainly should be. We do have one and it is simply an oversight. It is not in there. It should be. We will obtain it in a very few minutes and then reoffer the document on that basis.

THE PRESIDENT: The exhibit is temporarily withdrawn.

DR. HOCHWALD: And the next document on page 113 is NO-205 which already was submitted into evidence under Exhibit No. 163. With the permission of the Tribunal, I only want to read the first paragraph of this letter from Brack to Hissler.

THE PRESIDENT: What is the number of this exhibit which was formerly introduced into evidence.

Court No. 1

16 Jan 47-M - 4-3 - LJO - Putty

DR. HOCHWALD: The exhibit number is 163, your Honor. The document number is NO-205. It is on page 118 of the document book. It is a letter from Brack to Himmler, dated Berlin, 23 June 1942:

"On the instructions of Reich-Leader Buehler I placed some of my men -- already sometime ago -- at the disposal of Brigadefuehrer Blobocnik to execute his special mission. On his renewed request I now transferred additional personnel. On this occasion Brigadefuehrer Blobocnik stated his opinion that the whole Jew Action should be completed as quickly as possible so that one would not get caught in the middle of it one day if some difficulties should make a stoppage of the action necessary. You yourself, Reichsfuehrer, have already expressed your view that work should progress quickly for reasons of camouflage alone. Both points which in principle arrive at the same result are more than justified as far as my own experience goes; nevertheless, would you kindly allow me to submit the following argument: -- "

The next document is on page 126 of the document book. It is NO-155 -- no. It is 1553-48. I beg your pardon. It will be Prosecution Exhibit 128. It is a statement --

THE PRESIDENT: You are not going to put in the document No. 206 appearing at 1207



Court No. I

MR. HOCHWALD: 206 was already offered into evidence and I am not going to read it.

THE PRESIDENT: As what exhibit?

MR. HOCHWALD: Just a minute. As Prosecution Exhibit 164, sir, and I am not going to offer 501-PS which is the next document in your Honor's document book.

THE PRESIDENT: Has it been heretofore offered?

MR. HOCHWALD: 501 is not offered. It is not offered at all, so that the next is on page 126, 1553-PS, Exhibit 426. This is page 138 —

MR. McHANEY: If the Tribunal please, the document we now offer is an unsworn statement of one Kurt Gerstein. It was admitted before the IMT —

THE PRESIDENT: What document is that, Mr. McHaney?

Mr. McHANEY: It is 1553-PS beginning on page 126. This document was admitted before the International Military Tribunal as an exhibit of the Republic of France, No. 350. It constitutes a number of bills of lading, or shipment notices covering a certain gas known as Zyklon B, Prussic Acid. That is a shipment notice from a firm by the name of Degesch, the manufacturer of the gas, the notice being sent to this man Kurt Gerstein. These were a number of bills which were attached to the statement which Gerstein gave on April 25, 1945, before a United States Army Officer. However, it does not appear that the officer swore. Mr. Gerstein before the statement was given. Despite that fact, however, it was admitted before the IMT. I do not know whether over objection or not. In any event, as such it constitutes a part of the record before the International Military Tribunal and consequently is entitled to at least judicial notice before this Tribunal. We have made a very sincere and earnest effort to find Kurt Gerstein and I have been unable to do so. If the defense counsel are interested in cross-examining Mr. Gerstein, we will continue our efforts to locate him after appropriate application

16 Jan 47-M-EM-5-1-Ray (FL)

Court No. I

and approval of this Tribunal. In any event, we are offering this document as a prosecution exhibit at this time. It is a matter of some importance to the case because it informs the Tribunal as to the activities of the

COURT I

man by the name of Globocnik, and the Tribunal has seen from the letter of Victor Brack to the Reichsfuehrer SS that Bouhler and Brack put people at the disposal of Brigadefuehrer Globocnik, so it becomes a matter of considerable importance to the Tribunal to be informed of what Globocnik was doing. That is the reason we are offering this document and we ask that it be admitted at this time.

THE PRESIDENT: The copy of the English Document we are looking at shows no certificate that this is a copy of the record before the International Military Tribunal.

MR. McHANEY: The certificate on the original which goes into evidence reads: "I certify that Document No. 1553 PS was introduced into evidence as Exhibit No. RS 350 in the trial by the International Military Tribunal of Hermann Goering, et al" etc., and signed "Fred Niebergall, Chief of Document Control Branch, Office of Chief of Counsel for War Crimes".

I think it would be helpful if I had the original document passed up. The statement, as I state, shows that it was taken before two United States Army officers and was sent through with a covering memorandum.

DR. SERVATIUS: (Counsel for Karl Brandt): Dr. Servatius for Karl Brandt, Mr. President, I attach importance to cross-examining this witness and I formally make the application that this witness be called as soon as he is found.

THE PRESIDENT: Counsel will execute the formal application for calling the witness. The court will consider the application and doubtless will approve it and summons the witness and counsel may be entitled to summon this witness for cross-examination so that he will not be treated

16 Jan 47-M-EM-5-2-Ray-(AK)

COURT I

as a defense witness but will be called for cross-examination. I notice, Mr. McHaney, that this certificate - - purported certificate - - is a true copy of an exhibit introduced before the International Military Tribunal and that it is not signed except for the rubber stamp. The signature of Fred Niebergall is manifestly not a signature but a rubber stamp.

MR. McHANEY: We will rectify that. I suppose the explanation is that



COURT I

the Document Section feels that they process so many of those that they have a facsimile signature. However, we can have that rectified. Would the prosecution be able to have a ruling on the admissibility of this document on the assurance that the certificate will be executed in Hand-writing. I am just informed that they keep close control over these matters. I can assure the Tribunal that Mr. Niebergall can certify to the facts stated and, if possible, we would like to have the question disposed of at this time and, if possible, read the exhibit.

THE PRESIDENT: The exhibit will be admitted in evidence when properly certified and the objection is overruled.

MR. HOCHWALD: I would like to read from page 139. This will be Prosecution Exhibit 428 and I want to read from the first part of page 139 of the Document Book, sir.

"July 14 to August 23, 1938, second imprisonment, in the Welshalm concentration camp. Hearing of the massacres of idiots and insane people at Grafeneck, Hadamar, etc., shocked and deeply wounded, having such a case in my family, I had but one desire, to see, to gain an insight of this whole machine and then to shout it about the whole world. With the help of two references written by the two Gestapo employees who had dealt with my case, it was not difficult for me to enter the Waffen SS. March 10 to June 2, 1941, elementary instruction as a soldier at Hamburg-Langenhorn, Arnheim and Oranienburg - - -

THE PRESIDENT: Will counsel read a little more slowly?

MR. HOCHWALD: I am sorry.

"together with forty doctors. Because of my twin

16 Jan 47-M-EM-5-7-Ray-(AK)

COURT I

studies, technology and medicine, I was ordered to enter the medical-technology branch of the SS Fuehrungshauptamt, Medical Branch of the Waffen SS, Amtgruppe D, Hygiene Department. Within this branch, I chose for myself the job of immediately constructing disinfecting apparatus and filters for drinking waters for the troops, the prison camps and the concentration camps. My close knowledge of the industry caused me to succeed quickly where my predecessors had failed.

Thus, it was possible to increase considerably the death toll of prisoners. On account of my successes, I very soon became a lieutenant. In December 1941, the tribunal which had decreed my exclusion from the NSDAP obtained knowledge of my having entered the Waffen SS. Considerable efforts were made in order to remove and persecute me. But due to my successes I was declared sincere and indispensable. In January 1942 I was appointed Chief of the Technical Branch of Disinfection, which also included the branch for street poison gases for disinfection. On 8 June 1942 the SS Sturmabfuhrer Guenther of the NSDAP entered my office. He was in plain clothes and I did not know him. He ordered me to get a hundred kilograms of prussic acid and to accompany him to a place which was only known to the driver of the truck. We left for the potassium factory near Collin. Once the truck was loaded, we left for Berlin. He took with us Professor Pfannenstiel, M.D., Ordinary Professor for Hygiene at the University of Marburg on the Lahn. At Berlin we were received by SS Gruppenfuhrer Glabbenik. He told us: 'This is one of the most secret matters there are in, even the most secret. Whoever talks of this shall be shot immediately. Yesterday two talkative ones died.' Then he explained to us: 'At the present moment (August 17, 1942) there are three installations.'

1. Solzec, on the Berlin-Lernberg road, in the sector of the Russian concentration line. Maximum 15,000 persons a day. Seen.
2. Solihor, I do not know exactly where it is located. Not seen. 20,000 persons per day.
3. Treblinka, 120 kilometers northeast of Warsaw. 25,000 persons per day. Seen.
4. Majdanek, near Berlin. Seen in the state of preparation.

Glabbenik then said, 'You will have to handle the sterilization of very large quantities of clothes, 10 or 20 times the result of the clothes and textile collection which is only arranged in order to conceal the source of these Jewish, Polish, Czech and other clothes. Your other duties will be to change the method of our gas chambers (which are run at the present time with

16 Jan 47-46-5-5-EM-Roy  
Court No. 1

the exhaust gases of an old Diesel engine), employing more poisonous material, having a quicker effect, prussic acid."<sup>10</sup>



Court No. 1

"But the Fuehrer and Himmler, who were here on August 15 - the day before yesterday - ordered that I accompany personally all those who are to see the installations. Then Professor Pfannenstiel asked: 'What does the Fuehrer say?' Then Globocnik, now Chief of Police and SS for the Adriatic Riviera to Trieste, answered: 'Quicker, quicker, carry out the whole program!', he said. And then Dr. Herbert Lindner, Ministerialdirektor in the Ministry of the Interior said: 'But would it not be better to burn the bodies instead of burying them!'"

I want to point here, we respectfully submit, Your Honors, that the name Herbert Lindner should read Herbert Linden who is the person to be seen in the same box as Conti on the left hand side of the chart. "A coming generation might think differently of these matters!" And then Globocnik replied: "But, gentlemen, if ever, after us there should be such a cowardly and rotten generation should arise that they do not understand our so good and necessary work, then, gentlemen, all National Socialism will have been for nothing. On the contrary, bronze plates should be buried with the inscription that it was we, we who had the courage to achieve this gigantic task". And Hitler said, "Yes, my good Globocnik, that is the word, that is my opinion, too". The next day we left for Salack. A small special station of the platforms leans against a hill of yellow sand, immediately to the north of the road and railway: Lublin-Lemberg. To the South, near the road, some service houses with a sign board: "Salack, service center of the Waffen SS." Globocnik introduced me to SS-Hauptsturmfuehrer Obermayor from Pirmasens, who with great restraint showed me the installations. That day no dead were to be seen, but the smell of the whole region, even from the large road, was pestilential. Next to the small station there was a large barrack marked "Cloak room" and a door marked "valuables". Next a chamber with a hundred "barber" chairs. Then came a corridor, 150 meters long, in the open air and with barbed wire on both sides. There was a sign board: "To the bath

16 Jan-M-EBH-6-1-Gross (FL)

Court No. 1

and inhalations"....Before us we saw a house like a bath house with concrete troughs to the right and left contained geraniuss or other flowers.

After climbing a small staircase, 3 garage-like rooms on each side, 4 x 5 meters large and 1.90 meters high. At the back, invisible wooden doors. On the roof a star of David made out of copper. At the entrance to the building, the inscription: Foundation Heckenholt. That was all I noticed on that particular afternoon. Next morning, a few minutes before 7, I was informed: In 10 minutes the first train will arrive. And indeed, a few minutes later the first train came in from Lemberg. 45 cars, containing 6,700 persons; 1,450 of whom were already dead on their arrival. Behind the little barbed wire openings, children, yellow, scared half to death, women, men. The train arrives; 200 Ukrainians, forced to do this work, open the doors, and drive all the people out of the coaches with leather whips. Then through a huge loud speaker instructions are given: To undress completely, also to give up false teeth and glasses - some in the barracks, others right in the open air. To tie one's shoes together with a little piece of string handed everyone by a small Jewish boy of 4 years of age, hand in all valuables and money at the window marked "Valuables", without bond, without receipt. Then the women and girls go to the hair-dresser, who cuts off their hair in one or two strokes, after which it vanished into huge potato bags "to be used for special submarine equipment, door mats, etc.", as the SS-Unterscharführer on duty told me. Then, the march begins: Right and left, barbed wire, behind, two dozen Ukrainians with guns. Led by a young girl of striking beauty they approach. With police Captain Wirtz, I stand right before the Coach chambers. Completely naked they march by, men, women, girls, children, babies, even one-legged persons, all of them naked. In one corner, a strong SS-man tells the poor devils, in a strong deep voice: Nothing whatever will happen to you. All you have to do is to breathe deeply, it strengthens the lungs; this inhalation is a necessary measure against contagious diseases, it is a very good disinfectant!" Asked what was to become of them he answered: "Well, of course, the men will have to work, building streets and houses. But the women do not have to. If

15 Jan-M-224-6-3-Cross (FL)

Court No. I

they wish to, they can help in house or kitchen." Once more, a little bit of hope for some of these poor people, enough



to make them march on without resistance to the death chambers. Most of them, though, know everything, the odor has given them a clear indication of their fate. And then they walk up the little staircase -- and see the truth! Mothers, nurse maids, with babies at their breasts, naked, lots of children, of all ages, naked too; they hesitate, but they enter the gas chambers, most of them, without a word, pushed by the others behind them, chased by the whips of the SS men. A Jewess of about 40 years of age, with eyes like torches, calls down the blood of her children on the heads of their murderers. Five lashes into her face, dealt by two men of Police Captain Wirth himself, chase her into the gas chamber. Many of them say their prayers, others ask: who will give us the water for our death? Within the chambers, the SS press the people closely together, Captain Wirth had ordered: "Fill them up full." Naked men stand on the feet of others. 7-800 crammed together on 25 square meters, in 45 cubic meters! The doors are closed. Meanwhile the rest of the transport, all naked, wait. Somebody says to me: "Naked, in winter! But they can die that way!" The answer was: "Well, that's just what they are here for!" And at that moment I understood why it was called "Foundation Heckenholt". Heckenholt was the man in charge of the Diesel engine, the exhaust gases of which were to kill these poor devils. SS-Unterscharführer Heckenholt tries to get the Diesel engine moving. And it does not start! Captain Wirth comes along. It is plain that he is afraid because I am a witness to the breakdown. Yes, indeed, I see everything and wait. Everything is registered by my stop watch, 50 minutes, 70 minutes -- the Diesel engine does not start! The people wait in their gas chambers. In vain. One can hear them cry. "Same as in a synagogue" says SS-Sturmscharführer Professor Dr. Pfannenstiel, Professor for Public Health at the University

of Martur/Lahn, holding his ear close to the wooden door. Captain Wirth, furious, deals the Ukrainian who is helping Heckenholt 11 or 12 lashes in the face with his whip. After 2 hours and 49 minutes - as registered by my stop watch - the Diesel engine starts. Up to that moment the people in the four already filled chambers were alive, 4 times 750 persons in 4 times 45 cubic meters. Another 25 minutes go by. Many of the people it is true are dead at that point. One can see this through the little window through which the electric lamp reveals for a moment, the inside of the chamber. After 28 minutes only a few are living. After 32 minutes, finally all are dead. From the other side, Jewish workers open the wooden doors. In return for their terrible job, they have been promised their freedom and a small percentage of the valuables and the money found. Like stone statues, the dead are still standing, there having been no room to fall or bend over. Though dead, the families can still be recognized; their hands still clasped. It is difficult to separate them in order to clear the chamber for the next load. The bodies are thrown out blue, wet with sweat and urine, the legs covered with excrement and menstrual blood. Everywhere among the others, the bodies of babies and children. But there is not time! Two dozen workers are engaged in checking the mouths, opening them by means of iron hooks. "Gold to the left, without gold to the right." Others check arms and genitals to look for money, diamonds, gold, etc. Dentists with chisels tear out the gold teeth, bridges or caps. In the center of everything, Captain Wirth. He is on familiar ground here. He holds me a large tin full of teeth and says: "Estimate for yourself the weight of gold. This is only from yesterday and the day before yesterday. And you would not believe what we find here every day. Dollars, diamonds, gold. But look for yourself." Then he led me to a jeweler who was in charge of all these valuables. After that they took me to one of the managers of the Big Store of the West in Berlin, and to a little man whom they made play the violin, both chiefs of the Jewish worker commands. "He is a captain of the royal and imperial (K.u.K) Austrian Army, who held the German Iron Cross 1st Class." I was told by Hauptsturmfuhrer Obermeyer. The bodies were then thrown into large ditches of about 100 x 20 x 12 meters, located near the gas chambers. After a few days the bodies would swell up

and the whole contents of the ditch would rise 2-3 meters high because of the gases that developed in the bodies. After a few more days the swelling would stop and the bodies would collapse. The next day the ditches were filled again, and covered with 10 centimeters of sand. A little later, I heard, they constructed grills out of rails and burned the bodies on them with Diesel oil and gasoline in order to make them disappear. At Belzec and Treblinka nobody bothered to take anything approaching an exact count of the persons killed. The figures announced by the BBC are inaccurate. Actually about 25,000,000 persons were killed; not only Jews, however, but especially Poles and Czechoslovakians, too, who were in the opinion of the Nazis, of bad stock. Most of them died anonymously. Commissioners of so-called doctors, actually nothing but young SS men in white coats, rode in limousines through the towns and villages of Poland and Czechoslovakia to select the old, tubercular and sick people and to cause them to disappear, shortly afterwards, in the gas chambers. They were the Poles and Czechs of (category) III who did not deserve to live because they were unable to work. The Police Captain Wirth asked me not to propose any other kind of gas chamber in Berlin, to leave everything the way it was. I lied - as I did in each case all the time - that prussic acid had already deteriorated in shipping and had become very dangerous, that I was therefore obliged to bury it. This was done right away. The next day, Captain Wirth's car took us to Treblinka, about 75 miles NNE of Warsaw. The installations of this death center differed scarcely from those at Belzec, but they were still larger. There were gas chambers and whole mountains of clothes and underwear about 35-40 meters high. Then, in our "honor" a banquet was given, attended by all of the employees of the institution. The Obersturmbannfuhrer, Professor Dr. Hanns Dietrich MD., Professor Hygiene at the University of Marburg/Lahn, made a speech: "Your task is a great duty, a duty so useful and so necessary." To me alone he talked of this institution in terms of "beauty of the task, humane cause", and to all of them: "Looking at the bodies of those Jews one understands the greatness of your good work!" The dinner in itself was rather simple, but by order of Himmler the employees of this branch received as much as they wanted as far as butter, meat, alcohol,

16 January-MJG-6-3a-Gross  
Court No. 1

etc., were concerned. When we left we were offered several kilograms of butter and a large number of bottles of liqueur. I made the effort of lying, saying that I had enough of everything from our own farm, so Pfannenstiel took my portion, too. We left for Warsaw by car."

A recess was taken.



Court No. I

THE MARSHAL: The Tribunal is again in session.

MR. HOCHMILD: If the Tribunal please, I should like to hand over the certification of the signing of Document 1533-PS signed by Mr. Hoibergall.

DR. GEORG FROESCHMANN: Dr. Froeschmann, counsel for Viktor Brack.

Mr. President during the recess I have just had the opportunity of receiving the extensive document, 1533, and of reading it over carefully. In view of the allegations which the witness could guess or make in the document and which are supporting the allegations of the prosecution towards Viktor Brack, I want to request that Kurt Gerstein be called here as a witness and then the prosecution discontinue the reading of this document and further that the part of the document which has already been read be crossed from the record. In my opinion if things of such importance are to be made credible here by testimony which has not been sworn to, such a document is not suitable for consideration as evidence before this Tribunal.

THE PRESIDENT: Counsel, I understand, is referring to Document Number 1533-PS?

DR. FROESCHMANN: Yes, I am. May I say something in addition, Mr. President? Dr. Becker and I are not quite clear whether this document was presented through the International Military Tribunal Number 1 and if it was taken into the record. As long as I am still in doubt, the document appears still as unsuitable to be presented here as evidence.

I made a mistake before. I was referring to the International Military Tribunal.

THE PRESIDENT: The certificate attached to this document shows that it was introduced in evidence as Exhibit Number RF-350 before the International Tribunal. The objection to the admission of the document is overruled; and the document will be admitted in evidence in this case. It seems to the Tribunal that the man who made this statement, Gerstein,

16 Jan-M-PJC-S-1-Biskloy (FL)

Court No. I

could be a very important witness before this Tribunal and that if he is available as a witness, his attendance should be procured. If counsel for any defendant will request that he be called as a witness for the purpose

16 Jan 47-M-FJC-B-2-Hickley  
Court No. 1

of cross examination by the defense, the Tribunal will give serious consideration to such a request. Meanwhile the exhibit is admitted in evidence.

MR. HOCHMILD: If your Honors please, I have in the meantime seen the certification on Document NO-896, which was offered into evidence as Prosecution Exhibit 437. The certificate from the chief prosecutor in Frankfurt is in German. May I read the translation in to the record? The certificate reads:

"Certificate. I, Public Prosecutor Dr. Walter Wagner, testify that the attached copy is a correct and true copy of Document from Volume III, consisting of three pages. I received the original document in the course of the execution of my official duties. The original is among the files of the proceedings for ABE-3-16; and it is needed for other purposes.

Frankfurt, 4 January 1947. The chief prosecutor at the county court by order (signature) Dr. Walter Wagner, Prosecutor." To this is attached the stamp of the county court in Frankfurt.

MR. ROBERT SEYMOUR: Dr. Sorvetius for the defendant Karl Brandt. Mr. President, the fact that this Document NO-896 has been certified to be a true document by the court does not stand in any connection with its value as evidence and the question of the admissibility of the document. This interrogation before the prosecution would not be permissible as evidence and would not be admitted before a German court. Before a German court the witness would have to be called and the results of this interrogation would not be permissible. I believe that the Tribunal will have to proceed in a similar manner because only in this way will the true reproduction of the interrogation be secured.

THE PRESIDENT: Has counsel for the prosecution any further argument in support of the introduction of this exhibit?

MR. HOCHMILD: I'm sorry, your Honor, I didn't hear.

THE PRESIDENT: Has counsel for the prosecution any further argument in support of the admission of this exhibit?

MR. HOCHSTEDT: The only argument is that I was informed that everyone who is heard in such a case is warned that he has to say the truth; and I do think that it is absolutely the procedure and is a very similar one to the procedure adopted for the obtaining of affidavits for the defense counsel. I respectfully submit that the credibility of the public prosecutor who was taking this statement, together with the court reporter has no less weight than the credibility of every one of the defense counsel who is permitted to take an affidavit in the interest of his client for evidence in this court.

MR. SENNATIUS: Mr. President, this is not a case of the credibility of the district attorney but of the credibility of the person who was interrogated. There if defense counsel is entitled to accept an affidavit, then the person who is being interrogated knows that he will be punished if he makes any false statements. If somebody is being interrogated before the prosecutor, then he knows that he cannot be punished in any way if he states the untruth. Therefore the situation is completely different.



THE PRESIDENT: The objection to the admission of the Exhibit No. 427 offered in evidence is sustained. The exhibit will not be admitted. The Prosecution, of course, will have the right to offer later any other certified statement or record of this if it is in any wise amplified as without prejudice to the offer of the exhibit in any subsequent form as would care to be made.

MR. MC HANEY: I think the Tribunal's remarks cover what I was about to say. We will endeavor to locate the person who gave this statement, have him sworn, and then sign a statement in similar form, and we would like leave to be able to submit that into the record after we close our case in chief.

THE PRESIDENT: The course suggested by the Prosecution will be followed. Any other exhibit may be offered after the close of the case of the Prosecution in chief, subject, of course, to any cross examination or objection by the defense counsel.

DR. HOCHSTADT: The next document I want to offer into evidence is on Page 155 of the Document Book, Document 1555-18, which will be Prosecution Exhibit 427. This report of the United Nations War Crimes Commission was already admitted into evidence in the first trial before the International Tribunal under the Exhibit Number USA 915. I would like to read from Annex B, which is on Page 156 of the Document. It is on Page 156 of the document: "Detailed statement on the murdering of ill and aged people in Germany. Annex B.

"1. The murdering can be traced back to a secret law which was released sometime in summer, 1940.

"2. Besides the Chief Physician of the Reich, Dr. L. Conti, the Reichsfuehrer SS Himmler, the Reichs Minister of the Interior Dr. Frick as well as other men, the following participate on the introduction of this secret law.

"a. The Councillor of the Ministry Dr. Herbert Linde of the Reich Ministry of the Interior

"b. Dr. Stoeckle-Nagold, the Chief Physician of Muerthenberg.

"c. Councillor of Medicine Dr. Hermann Frennmoeller, Director of the Sanatorium and Nursing Institution Eglfing-Haar near Munich.

"4. Professor Dr. Werner Heyde, Director of the Psychiatric and Neurological Clinic in Wehrburg.

"To characterize Dr. Genti, who was born in Tassin, it may be added that he changes his name from Leonhard to Leonardo, according to the change in the German people's feelings, the friendship of the Axis or to the change of feeling in the European community.

"3. As I have already stated, there were after careful calculation at least 200,000 mainly mentally deficient, imbeciles, besides neurological cases and medically unfit people, these were not only incurable cases, and at least 75,000 aged people.

"4. The murders were mainly accomplished in Munsingen/Merttelsberg and Linz on the Danube; several gas-chambers with cremation chambers directly attached were constructed there. To the gas chambers as next to the training grounds of the troops in Munsingen, it is believed that the mentally deficient or were murdered there were used for experimenting with new poison gases.

"5. The transport from the institutions to the gas chambers is carried out by SS-Kommandos. These call themselves *Gesamtsitzige Transport I.G.*, *Wrin, Luotzmaier*. This Limited Company also stores the individual medical case histories of the murdered inmates of the institutions.

"6. The inmates of the many smaller and middle-sized institutions were ordered almost without exception. The larger institutions are partly - to keep up the pretense to the outside world - still at hand, but they now have only a fraction of the original number of their inmates; for example there are now only some 500 inmates instead of 2,500 in Berlin-Buch; in Stettin/Meerungen only about 150 instead of 500; in Kaufbeuren/Bayern only 200 instead of 1,000 etc. Of the larger Sanatoriums and Nursing Institutions the following were already closed down completely some time ago; Illnau/Baden 3 inmates; Berlin/Harzberge 2500 inmates, Krontzberg/Oberschlesien 1500 inmates; Sonnenstein/Sachsen 800 inmates; Wernicke/Unterfranken-Bayern 1111 inmates; Alshof/Wien 3000 inmates, and others, but probably now also Schleswig with 100 beds, Garmisch with 200, etc. etc.

"7. The following procedure is popular with old people, who are still perfectly healthy and who possess their own flat: the competent "political leader" reports them for welfare purposes; then a physician, usually an SS doctor who establishes "the fact" that the old people are mentally deficient, appears; he suggests in Court that they are to be put under tutelage and that they are to be sent to a nursing home. This suggestion is naturally put into force. The old people are then sent from the nursing home to the gas chambers.

"8. Partly a very indirect procedure for killing these old people is used. For example a quite sudden transfer of a home for aged people in a very short period is very popular, this being often ordered and carried out in only a few hours, in the hope that through the excitement already a part of the old people will be killed by an apoplectic fit. The home for aged people is also frequently transferred into premises which are absolutely insufficient as far as sanitary conditions are concerned; another way is that

suddenly all the nursing staff are called up for work in the Red Cross or in a munitions factory and the helpless patients are left to look after themselves.

"Written in December 1941. Signed, Dr. T. Lang."

This concludes the presentation of Document Book No. 15. The Prosecution will call now the witness Dr. Schmidt.

DR. GAWLIK (Counsel for the Defendant Hoven): Gawlik for the defendant Hoven. Mr. President, Exhibit Document NO 907 was presented as Exhibit 412 on page 39 of the German Document Book, Volume 16, and it dealt allegedly with letters from Dr. Mencke. This morning I received a photo copy of the document. I have not been able to obtain the original document. I saw from this that not the original letters were presented, but only typed copies of these letters. I do not consider this permissible to be presented as evidence as long as the original letters of Dr. Mencke are not presented. I therefore request that Document NO 907 be crossed out from the record.

MR. MC HANEY: The document to which defense counsel has reference is on page 46 of the English Document Book. The facts are these: the letters of Mencke were apparently found in his home or some other place by German authorities. Excerpts were taken from these letters and used in the trial against him in Frankfurt. He obtained the excerpts only from the authorities in Frankfurt. However, Mencke is now in Saarburg and he was shown these excerpts and he has certified that they are true and correct excerpts from letters which he wrote. The originals are not available to us. I submit that the certification of Mencke himself makes this document admissible.

JUDGE SIKERING: Is Mencke to be called as a witness, Mr. McHaney?

MR. MC HANEY: Yes, he is, Your Honor.

JUDGE SIKERING: Defense counsel then will have opportunity to examine Mencke with respect to these letters if he so chooses.

DR. GAWLIK: Mr. President, it is my opinion that the prosecution then should question the witness about the contents of these letters; that, however, it is not permissible to present this document as long as we do not have the original letters.



THE PRESIDENT: The Tribunal will reserve its ruling until after the proposed witness Senecke has testified. Mr. McHoney, did I understand that the exhibit offered as 427, Document 1556 PS, was introduced in evidence before the International Tribunal?

MR. MC HONEY: Yes, that is correct, Your Honor.

THE PRESIDENT: The copy of the English Document Book contains no certificate whatever showing anything of the sort. Does the original document have attached to it the proper certificate?

MR. MC HONEY: The original document has --

THE PRESIDENT: I mean the original exhibit offered before this Tribunal.

MR. MC HONEY: Yes, it has the certificate of Frau Niebergall stating it was offered in evidence before the IMT as Republic of France Exhibit 350, I believe. I am sorry, Your Honor, I misunderstood you. You have reference to 1556 PS. I was speaking of 1553 PS, the Gerstein -- I do not know whether the one we have there does show that it came from the records of the IMT.

THE PRESIDENT: It has a certificate. It bears a certificate with a stamped signature. You should have the certificate properly signed. There was nothing in the English Document Book indicating that it had ever been shown to the International Military Tribunal.

MR. MC HONEY: That is correct.

THE PRESIDENT: I understand the Prosecution now desires to call Witness Eugen Schmidt.

MR. McHANEY: That is correct.

THE PRESIDENT: The Marshal will summon the Witness, Walter Eugen Schmidt.

WALTER EUGEN SCHMIDT, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q. The Witness will rise, hold up her right hand, and be sworn. Repeat after me:

I swear by God, the Almighty and Omiscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: Be seated, please.

DIRECT EXAMINATION

BY MR. McHANEY:

Q. Witness, your name is Walter Eugene Schmidt?

A. My name is Walter Eugen Schmidt.

Q. Are you a German citizen?

A. I am German, Yes.

Q. You were born on 9 June 1911 Wiesbaden, Germany?

A. I was born on 9 June 1911 at Wiesbaden.

Q. Are you the same Walter Schmidt who was recently tried for a crime in Frankfurt before a German Tribunal?

A. Yes. I am the same Mr. Schmidt who was sentenced to life imprisonment at Frankfurt for performing euthanasia on children.

Q. You were tried for the crime of murder, Witness?

A. Yes. I was tried for murder.

Q. What is the status of your case now?

A. I have been called here as a witness, at this time. I have not made an appeal up to now.

Q. Witness, will you tell us, briefly, something about your personal

Court No. I

history?

A.- In 1939, I joined the Waffen SS. There I reached the grade of assistant physician and Sturmführer. In 1941, an order from the Reich Chancellery reached me. It was sent to my Troop Commander, I was to report to the Reich Chancellery.

Q.- Witness, may I interrupt you a moment? Before we come to these matters, I would like to ask you, whether you have been educated as a doctor of medicine?

A.- I started at the Frankfurt University. I studied medicine there. I have taken my state examination, I took it there. I also passed my doctor's examination with distinction.

Q.- When did you pass your doctor's examination?

A.- I passed that in 1937 at the University Clinic.

Q.- Where have you practised medicine since 1937?

A.- In Frankfurt at the University Clinic as voluntary assistant. Then in February of 1939, I was sent to the institution at Eichberg as assistant physician.

Q.- Was Eichberg an insane asylum?

A.- Eichberg was an institution for the insane and the imbeciles owned by the state. Afterwards, it was also a sanatorium with a department for little children and later on it was turned into a SS field hospital.

Q.- Witness, you stated that you joined the Waffen SS in 1939?

A.- Yes, I was conscripted into the Waffen SS as a member of the NSDAP unit.

Q.- How long were you on duty with the Waffen SS?

A.- I remained with the Waffen SS until 1941.

Q.- What month of 1941?

A.- Until March or April. Then I was called back. Then I was discharged from the Waffen SS in September 1941.

Q.- What happened in March or April 1941? Was that the date on which you were called to Berlin?

A. I did not understand the question. Will you repeat it please?

Q. What happened in March or April, 1941? Was that the date on which you were called to Berlin?

A. I was called to Berlin in March, 1941, yes.

Q. By whom were you called to Berlin?

A. By order of my civilian office. It was sent by way of the Adjutant of the Wehrmacht.

Q. What did you do in Berlin. Why were you sent there?

A. I was to report there to see a Doctor Blankenburg. However, this man was absent, so first of all I went home to my.



institute. From there I was sent with my chief to Berlin to the Reich Chancellery.

Q. You state that you were ordered to report to a Dr. Blankenburg in Berlin.

A. No. This time it was a meeting. It was a meeting in the Reich Chancellery in which about 50 or 60 chief physicians and directors of the German insane institutions participated. Furthermore, representatives from the Reich Chancellery, Ministry of Interior, and Ministry of Justice were also present. I was told that.

Q. When did this conference or meeting take place, Witness?

A. I assume that this must have been in the early summer.

Q. Early summer of 1941, is that correct?

A. Of 1941, yes.

Q. Was the meeting held in the Chancellery of the Fuehrer in Berlin?

A. It was held in the Fuehrer's Chancellery in Berlin.

Q. And can you tell us some of the names of the people who attended this meeting?

A. Yes. I can remember that Professor Mutschke was there and Professor Heyde, Professor Schneider, Dr. Heffelmann, and Dr. von Hogener. The following men came with me to Berlin, they were directors: Dr. Pfannmueller, Dr. Falkenhauer, Dr. Schneider, Dr. Schiess, and Dr. Hanneke. The district counsel for Wiesbaden, Bernatow was there. These are the people who were there that I know for certain.

Q. How many people would say attended this meeting?

A. I assume about 50 or 60.

Q. At that time, were you Deputy to Dr. Hanneke at the Eichberg Asylum?

A. At that time, Dr. Hanneke was the Director at Eichberg. At that time, I was still the assistant physician. It was only about half a year later that I became senior physician. I remained that until the end, when in 1944, I was appointed Deputy Chief Physician. Then I went back into the field again until 1945.

Q. Did I understand that you were recalled from the Waffen-SS to take this job as an assistant to Dr. Menneke at Eichberg?

A. No. I did not know anything about that. I only received a letter from Dr. Menneke, that he intended to have me called "indispensable." At that time I wrote him I preferred to remain with my unit. However, one day the order reached me. It was a telegram. "Where is Dr. Schmidt?" In accordance with this, my Troop Commander immediately sent me on my way. He sent me home.

Q. Who was chairman of this meeting in Berlin in the summer of 1941?

A. Who was the Director of the Conference? The Conference was introduced by a gentleman I do not remember anywhere today. No. I cannot recall his name at all. It was then continued by Heyde, I believe, and afterward by Dr. Hoffmann. It was more or less an open Conference.

Q. Who was Dr. Heyde?

A. As far as I know, he was the University Professor from Wuerzburg.

Q. Who was Dr. Hoffmann?

A. Dr. Hoffmann was a juristic representative of the Reich Chancellery, at least that is what I considered him to be.

Q. What was done at this meeting?

A. It was a meeting about the Euthanasia question, and execution of these measures in the German Asylums on insane people.

Q. Well, was any explanation given of the Euthanasia program at this meeting?

A. I have not quite understood. Will you repeat the question, please?

Q. Well, was any explanation given of the Euthanasia program?

A. Yes, a law of the Fuehrer was read to us. Furthermore, further decrees were read, decrees which were to be the legal basis for the execution of the measures. Then this question was also discussed.

Q. Do you remember the content of this decree or law as you call it? What did it say?

Court No. 1

Q. Do you remember what was the contents of this Fuhrer's Decree or law, as you called it. What did it say?

A. It was for the incurable, and those people who were severely sick that should be given final medical aid, and it also stated who were and were not empowered in the decree. The decree will show it bore the address of Professor Brandt.

Q. Will you state about this Fuhrer's Decree, whether it was directed to Professors Brandt and Buhler?

A. Yes. I have recently seen this Decree, and it bore the address of Professors Brandt and Buhler. However, I believe that there still had been another decree which did not bear any address at all.

Q. Now, witness, I do not want you to testify to anything that you have been shown recently. I asked you if you remembered the contents of the Decree which was read in this meeting?

A. Yes, the contents stated that they were to be empowered to give them a final medical aid of euthanasia on incurable inmates or patients.

Q. Do you remember?

A. I am quite sure I can remember that.

Q. Do you remember whether that Decree was directed to Buhler and Brandt?

A. I cannot state it with certainty. That is only what I have seen recently.

Q. Was an explanation given how the euthanasia program was operated?

A. Yes. I remember it this way; that intermediary stations were to be established in individual institutions, and that from there the patients were to be sent to the euthanasia institutions.

Q. Well, did they explain that questionnaires were to be filled out on paper.

A. This action had already been completed at this period of time.

Q. What action do you refer to - what action is that, witness.

Court No. I

A.- I refer to these intermediary stations. They told me of that institution where the patients had already been moved. However, then other patients were to arrive there from our institutions who were then sent from our institutions to the euthanasia institution.

Q.- Do I understand that Eichberg was to be made a collecting station for insane persons?

A.- Yes, that is what it was.

Q.- And that then these insane persons were to be sent from Eichberg to the extermination station?

A.- Yes, they were to be sent from us to these institutions.

Q.- And on what basis was it to be determined that this or that patient should be sent from Eichberg to the extermination station at that time?

A.- These stations had already been treated on questionnaires, and by diagnosis the Reichsarbeitsge-Meinschaft, the Reich Labor Corporation had already been examined.

Q.- You mean to say, that the questionnaires had been filled out on these patients before they arrived at Eichberg?

A.- Yes, the questionnaires had already been completed, and diagnosis had already been made before they came to Eichberg. In a certain way it was an intermediary station.

Q.- Witness, I shall ask you to pause after the question has been put to you before you answer, do you understand that?

A.- Yes.

Q.- Now I take it from what you have said that you know how the euthanasia program operated prior to the time that the patients arrived at Eichberg. Can



you tell us what was done with respect to an insane person before the patient was sent to Eichberg?

A It was done this way. The directors of the individual asylums had to fill in questionnaires, and these questionnaires were then submitted to Berlin. Then special experts gave a diagnosis, and they had to make a diagnosis of these questionnaires. They then had to decide whether the individual was to be sent to the euthanasia station; to an institute like Muenster, Gastein, and Eichelborn, and so on, or, then whether to send these patients who had been described as positive to an euthanasia station. Most of these people were sent to Vietstein near Muenster, Eichberg, or Scheuern, and from there they were to be sent to Hadamar. That is just about as much as I know about our vicinity.

Q Hadamar was actually a place where patients were killed, is that correct?

A Yes, Hadamar was the euthanasia institution.

Q That was the euthanasia institution in your area?

A Yes, that was the euthanasia institution for our district until August 1941.

Q And that was the district surrounding the Weisbaden area?

A Yes, everything was sent there from even other districts. I don't know what was the basis for this procedure.

Q Have you ever heard of the Institution Grafeneck?

A No, I had not heard of it. I only knew at that time Hadamar.

Q I am not asking you what you knew at that time. I am asking you now if you heard during the time that you were active in the euthanasia program of Grafeneck?

A The name came to my attention afterwards. However, I have never visited the institute.

Q Well, did you hear that Grafeneck was also an extermination institute like Hadamar?

A Yes.

Q Did you hear of the same thing about Brandenburg?

A No, I don't know that name.

Q Or Hartheimer?

A Yes.

Q Or Sonnenstein?

A Yes.

Q Or Bernburg?

A Yes.

Q Or Berneck?

A Yes, also.

Q What other extermination institutes do you know that existed?

A Otherwise, I don't know. Others came to my attention in the course of time there.

Q All right, witness. You said that the asylum filled out questionnaires on patients which were sent to Berlin, is that right?

A Yes, questionnaires were sent to Berlin.

Q To whom were they sent in Berlin?

A I can not say that. I have never sent any there.

Q Have you ever heard of it?

A My chief the then Director Dr. Menneke was in charge of having them sent there.

Q Have you ever heard of the Reich Association Hospital and Nursing Establishment?

A You mean the Reich Corporation for Nursing and Convalescent Establishment?

Q I mean the Reichsarbeitsgemeinschaft fuer Pflege und Heilanstalten?

A They were asylums for Hadamar, yes, and also the Gemeinnuetzige, and the Gemeinnuetzige Transport G.M.B.H.; also the Reich Company for Scientific Research; also a department for amalgamation and hereditary diseases.

Q I thought you probably heard about those. Now, tell us what they were?

A So far as I know they were the executing agencies.

Q They were the agencies in charge of the euthanasia program?

A Yes. When I attended the conference of the Party in the Chancellery, I also asked who was in charge of this assignment, and Dr. Hegener told me it was Professor Brandt; that he had the medical direction, and I also continued on this concept.

Q Was anything said about the connection of Viktor Brack, then?

A About the connection, yes, it was stated that he was the medical director.

Q Now, you are speaking of Viktor Brack, or Karl Brandt?

A I am speaking about Professor Brandt.

Q I now put the question to you whether you knew that Viktor Brack was connected with the euthanasia program?

A Yes. Later on the name of Viktor Brack was mentioned frequently, and Mr. Hegener told me about it, and also told me at a later period of time during a conference that Brandt was not the director any more, but that Brack was in charge all by himself.

Q When was that?

A It must have been in 1944.

Q Was von Hegener a subordinate of Viktor Brack?

A It was Hegener subordinated to Viktor Brack. I only know this from Hegener when I had a discussion with Hegener about the subject.

THE PRESIDENT: The Tribunal will now recess until 1:30.

CORRECTED COPY

AFTERNOON SESSION

(The hearing reconvened at 1340 hours, 16 January 1947)

WALTER EUGEN SCHMIDT - Resumed

DIRECT EXAMINATION (Continued)

BY MR. MC HANEY:

Q. Witness, let's go back for a moment to the meeting which you state was held in the summer of 1941 in the Chancellery of the Fuehrer. Do you mean by the Chancellery of the Fuehrer, Bouhler's office? Witness, you stated that in the summer of 1941, a meeting was held in the Chancellery of the Fuehrer, is that right?

A. Yes, that is correct.

Q. Do you mean by Chancellery of the Fuehrer, the office of Bouhler?

A. I understand it was Bouhler's department, yes.

Q. Were you asked to take any oath binding you to secrecy at this meeting?

A. Yes, secrecy was demanded from us and we signed the document in fact stating that.

Q. And what was to be the penalty if you did not maintain secrecy?

A. Regarding the punishment itself, nothing was said, but I experienced it in the institute of mine that one of my male orderlies was sent to a concentration camp.

Q. Now what other explanation was given about the operation of the Euthanasia Program at this meeting? How was it explained to you?

A. It was said that generally speaking, it was a general task of the whole which was secret and I went on to ask why this task should be secret, whether the law in fact was a secret law; and I was told that with respect to the patients who weren't supposed to find out and also considering the situation of the war, they would have to be secret.



Q. Now, witness, you have testified you were familiar with the names Reichsarbeitsgemeinschaft and the charitable foundation for institutional care of patients, the so-called stiftung, and the patient transport corporation.

A. Yes.

Q. I will ask you if those were simply code names under which the Euthanasia program was carried out.

A. Yes, they were camouflage; the way I understood it at the time was that it was the executive departments which were concerned, the department of ministry, of the Interior, and the Reich Chancellery that is to say.

Q. And is the same thing true of the Reich Committee for research of heredity and constitutional diseases?

A. Yes, that applies to that too.

Q. Was this Reich Committee for research of heredity and constitutional diseases concerned with the Euthanasia program as applied to children?

A. Yes. I had such a task from the Reich Committee.

Q. And the three other organizations were concerned with what?

A. From the Reich Committee certain diseases were dealt with, crippled and deformed children, and T. B. and serious tumors of the brain.

Q. Now, turning from this Reich Committee back to the Reich Association, who are hospital nursing establishments, charitable institutions for the care of patients, and patient transport corporation, were those organizations concerned with the Euthanasia applied to adults?

A. Yes. Those were the organizations which carried out Euthanasia on grown-ups.

Q. You have mentioned the names of Prof. Hagenar and Prof. Nietsche; do you know whether or not they were so-called top experts in the Euthanasia program as applied to adults?

A. As far as I know, the Euthanasia program was applicable to grown-ups and they were experts.

Q. Hagenar and Nietsche were experts; is that right?

A. Yes. They were the chief experts in fact when I know.

Q. Now, then, let's confine ourselves for the moment to the Euthanasia as

applied to grown-ups. Were questionnaires filled out on patients in insane asylums all over Germany?

A. Yes.

Q. Do you know where these questionnaires come from?

A. The questionnaires were sent to the institute through the Interior Department.

Q. Would that be through the Ministry of the Interior and Dr. Linden?

A. Yes, I assume so; at any rate in our institute there were a number of these questionnaires which were already there.

Q. And after these questionnaires had been completed, where were they sent?

A. They were sent to Berlin; they went to Hadamar; that was done by the Director and you would have to ask him. I don't know at the moment where they were sent exactly.

Q. Well now, witness, you were active in this program; you surely have some general understanding of how it operated; isn't that true?

A. Yes. This is how it was. In this institute busses would arrive which were directed under the so-called transport community for patients, and at the same time rows of patients would arrive, and these patients amounting to an average of 90 to 100 per transport, and a transport consisting of three busses; these patients were then dealt with; they were taken to the busses and removed; and it was not said where the patients were being taken, but the knowledge had become common that they went to Hadamar.

Q. Went to Hadamar, you said?

A. Yes, I said Hadamar.

Q. Now witness, let's turn for a moment to the Reich Committee for Research and hereditary and constitutional diseases. Will you explain briefly just how that program operated? Were questionnaires filled out there on the children?

A. Now, we didn't do that. The questionnaires were filled out by the Health departments and the chief of the children's clinic, and then on the basis of a decree from the Ministry of the Interior reports were made to

Berlin. From Berlin there was a committee of doctors, that is to say chief experts, medical officers, and they would then decide according to the merits of the case on Euthanasia and they would then issue authorizations. We called them authorizations -- these authorizations were photostatic copies of the reports, and then there was an accompanying letter which would be sent to the individual children's department or the corresponding committees in the Reich.

Q. Well now, witness, we want to make the operation of this children's program perfectly clear. Wasn't it required of doctors, midwives and other people who were present at the birth of a deformed child --

A. Yes, that was also demanded.

Q. Witness, I will ask you to wait until I complete my question and then give your answer. Didn't these physicians, doctors, mid-wives, at the hospital have to make a report when deformed children were born to Dr. Linden's office in Berlin?

A. Yes, that was the situation. These mid-wives, doctors and health authorities did have to make a report about such serious deformities or some serious brain disease to Berlin, and then on the strength of these reports, the Reich Committee would decree Euthanasia through so-called authorizing orders.

Q. And these authorizing orders took the form of a photostatic copy of the report on which had been written approved?

A. Yes. The word treatment was considered by the Reich Committee to be --to mean -- Euthanasia.

Q. And these photostatic copies came to you in Eichberg?

A. Some of these photostatic copies did reach us, and all different children's departments.

Q. Now, witness, I want to put to you Document NO 253, which has been admitted before this Tribunal as Prosecution's Exhibit No. 331, and I want you to study it for a moment and I will then put a question to you.

DR. ROBERT SEIVATIUS: If the Tribunal please, I object to the presentation of this document to the witness. The document has not yet been the

subject of cross-examination, and I deny quite definitely its correctness. It might mislead this witness and I, therefore, request that it should not be admitted. First of all, there would have to be a cross-examination on it.

MR. McHANEY: If the Tribunal please --

THE PRESIDENT: The objection is over-ruled; counsel may proceed.

BY MR. McHANEY:

Q. Witness, this document which you are now looking at purports to be a chart of the organization of the Euthanasia program as it operated in Germany. I will ask you, based upon your knowledge and activity in the Euthanasia, if that chart presents an accurate and correct picture of Euthanasia and its organization.

THE PRESIDENT: I would suggest, Mr. McHaney, that you ascertain from him if he is familiar with reading charts and if he understands the meaning.

BY MR. McHANEY:

Q. Witness, I will ask you if you understand that chart that is before you.

A. Yes I do. I understand the chart. I personally do recognize the organization of the Reich Committee connected to Dr. Linden; and then there a connecting line to superior Dr. Karl Brandt; and I know the connection to Bauhler. Breck, Blankenburg and Hegener is known to me. They were working together with Heyde and Nietsche. They in turn had to collaborate with the Reich working committee of the clinic and sanatoriums. Then there is the Stiftung of these institutions; then there is the transport company for patients; and these are the organizations which I know. The name of Allers is known to me, and has been connected to these organizations; he was playing a leading role. Then I recognize the names of the experts -- Pfannmueller and Faltheuser. And then regarding the observation institutes I know nothing. From the Euthanasia institutes I know the names of Grafeneck, Brandenburg, Sonnenstein in Hadamar and Bernau are known to me.

Q. Witness, are you able to follow on the chart the flow of questionnaires from the office of Allers, over to the office of Dr. Linden, and from there down to the general institutions, the insane asylums?



A. To follow the channel of these questionnaires on the basis of the euthanasia program as it is put before me here is something I cannot do.

Q. Do you find the office of Allers on the chart?

A. Yes, I've got that.

Q. Do you see right under the office of Allers a department for questionnaires?

A. Yes, yes, I can recognize that.

Q. And do you see the arrow running from this Department of Questionnaires over to the department of Linden?

A. Yes.

Q. And do you see the arrow running from the office of Linden down to the insane asylum?

A. Yes, I can see that too.

Q. And do you see the line running from the insane asylum to the observation stations, with the word "patient", indicating that these questionnaires were filled out on the patients?

A. Yes, I can recognize that.

Q. And do you follow that the questionnaires went back from the observation station to the office of Linden and then were sent from Linden over to the office of Allers, where the top experts, Heyde and Hietzsche, expertized the questionnaires?

A. Yes.

Q. I will ask you if that is not the way that the euthanasia program operated.

A. The possibility exists, but I am not accurately informed about that.

Q. Witness, weren't you working with Dr. Mennecke in Eichberg?

A. I worked with Dr. Mennecke in Eichberg.

Q. And don't you know for a fact that Dr. Mennecke sent these

16 Jan-A- GBS - 14-1-Haynes (MJ)  
Court 1

questionnaires to the office of Linden and that they were then ex-  
pertized by Heyde and Mletchof

A. Yes, I know that for certain.

Q. Well, then, why do you state that you are not accurately informed?  
You were working with the man who was doing just that, weren't you?

A. Yes, but the intermediary departments I did not know.

Q. Which intermediary department did you not know?

A. The individual departments on the channel. I only knew that Dr. Mennecke sent these questionnaires to Berlin, and then during my work with Mennecke I learned that he had connections with Dr. Linden, whom he visited quite often, and with Dr. Nietsche, too, and with Dr. Heyde as well, and he also collaborated with Allers, but just how they worked together amongst themselves I never knew.

Q. Well, witness, can you state whether or not the questionnaires were sent by Mennecke to Linden's office?

A. He did send them to Linden's office, yes.

Q. Can't you also state that Heyde and Nietsche expertized these questionnaires as the top experts?

A. That I know, yes.

Q. But what you do not know is the channel or the offices?

A. What I did not --

Q. Witness, I will ask you to repeat that. I don't think the translation came through.

A. I know that Dr. Mennecke sent the questionnaires to Dr. Linden in Berlin -- to Linden's office, that is, and I also know that there the questionnaires were dealt with by Nietsche and Heyde in their capacity as chief experts. I do not know, however, what the channel of procedure and the official relation was between Allers and Heyde. I know for certain, however, they they did collaborate.

Q. All right, witness, that seems to be clear enough. I will now ask you whether or not the order to move the patient from the asylum to Hadamar or one of the other euthanasia extermination stations did not come from either the Reich Association or the Stiftung or the Patients' Transportation Corporation.

A. That order came from one of these Stiftungen, the working community or the Stiftung and was carried out by the Transportation Corporation for Patients, yes.

Q. Now, witness, can you state that this chart is an accurate presentation, an accurate picture of the organization of the euthanasia program, with the exception which you have made; that is, that you do not know the subordinate offices connecting Linden with the experts?

A. Yes.

Q. With that qualification, you are clear that the chart is accurate?

A. Yes.

Q. Will you please hand the chart to the clerk beside you? Now, witness, you have given us a picture of how the euthanasia program operated as it applied to grown-ups and children. I want you now to tell us what went on in Eichberg.

A. Beginning in 1940 the transports left Eichberg for Hadamar, transports of such patients as the communal Stiftung or the Association had selected. They had previously been dealt with by experts, and the corresponding order came from the Ministry of the Interior, and the Transportation Corporation carried it out.

These transports continued until approximately 1941, the spring or probably the early summer. Then the patients from other institutes were first of all to go through us as intermediary station and then also to the euthanasia institute at Hadamar. Whilst this particular program was being started up, Hadamar stopped work. That is to say, we were overcrowded considerably, and it was not quite clear whether another euthanasia station was being considered. That was not the case, however. It stopped. Apart from this particular action there was only the Reich Committee station at Eichberg. There was a special department for children at Eichberg, for the killing of deformed and imbecilic children.

One understood "deformed" to mean deformed brains of a serious degree and complete idiocy. They were given the death of mercy in our institute.



This order originated with the Reich Committee, and it was passed on to us through Herr von Hagenor.

This latter continued until 1944. In 1944, towards the middle, the connections with the Reich Committee were broken off. Probably it was the approach of Russian troops toward Berlin which was responsible for the cessation of connections.

Q. Now, witness, let's go back and consider what happened in Eichberg with respect to grown-ups. You came to Eichberg in March or April, 1941; is that right?

A. Yes.

Q. And the euthanasia program had been operating in Eichberg prior to that time?

A. Yes, the euthanasia program had been in operation since 1940. During the initial period of that program I was not present.

Q. Do you have any information of what happened at Eichberg prior to the time you arrived there in March or April 1941?

A. Yes, I heard it from Dr. Momecke in the course of conversations, and also from the male and female nurses of the institute.

Q. Approximately how many patients were in Eichberg in 1940?

A. The average was 1500 patients.

Q. Now, were these 1500 patients who were in Eichberg at the beginning of 1941 transferred out to Hadamar?

A. Not all of them. Approximately 40 to 50 percent, I would say.

Q. Do you know how fast that transfer took place and when it was completed?

A. Well, the situation was that very early in the morning the buses arrived and in the evening, as far as I had learned from Dr. Mennecke, the patients were dead.

Q. I do not think you understood my question, witness. I meant to ask you how soon after the 1st of January, for instance, 1940, had they eliminated the 50 percent or 750 patients who were in Hadamar, I mean in Eichberg?

A. Of these 1500 present in Eichberg at the beginning of 1940 approximately half went to Hadamar; that is to say, they were the so-called incurably insane as they were called at the time. The others, who had only just fallen ill and who were considered capable of being treated or capable of carrying on work and certain other categories, remained behind.

Q. Well, after approximately half of the 1500 patients had been exterminated in Hadamar, did new patients come on to Eichberg?

A. Yes. We received repeatedly transports from other institutes, part of which were meant to be transferred to Hadamar but which, because of the cessation of work in Hadamar, remained in our institute so that we had up to 1800 people in our institute and were overcrowded.

Q. Well, didn't they transfer out some of these new patients at Eichberg though, before Hadamar closed down?

A. Yes, at the beginning a few of these new patients were transferred. That happened until August 1941. We received the first patients from outside approximately at the beginning of June.

Q. June 1941?

A. Yes, July. June and July.

Q. Now when was Hadamar shut down?

A. In August 1941.

Q. Do you know why it was shut down?

A. I do not know the reason.

Q. Do you know whether or not it resumed operation?

A. Hadamar did not recommence its functions as a Euthanasia Institute, at least not in the shape of gassing. That I know for certain, but later on I learned that there were injections being used in order to carry on with Euthanasia in another form.

Q. Well, witness, don't you know that that happened in 1942 at Hadamar?

A. I do not know what happened in Hadamar in 1942 now.

Q. I am asking you if you don't know that Hadamar resumed operations in 1942 in exterminating patients, whether by injections or by gas?

A. Well, no. These gas chambers at Hadamar were dismantled in 1941 and the Institute at Hadamar was again used as an ordinary asylum or sanatorium. I had been informed up to that point but now I know that Hadamar employed injections to continue Euthanasia.

Q. Well, that is what I wanted to find out, witness. Don't you know that that occurred in 1942 in Hadamar? Don't you know that they began using injections in 1942?

A. I do not quite understand your question.

Q. Didn't they begin using injections in Hadamar in 1942?

A. Yes.

Q. Now it is quite interesting about these gas chambers at Hadamar. Do you know what happened to these?

A. They were dismantled.

Q. Do you know where they were sent?

A. No, I do not know that.

Q. Can you give us an approximate figure of the number of grown-ups who were sent to Hadamar from Eichberg for extermination?

A. From Eichberg you mean?

Q. Yes.

A. Well, in my opinion, it must have amounted to something like 1,000.

Q. Now what happened with respect to grown-ups, after Hadamar shut down in August 1941, in Eichberg?

A. Nothing was going on there.

Q. Do you mean to say that Eichberg had approximately 1500 to 1700 patients from August 1941 until the end of the war?

A. No. Later on we passed a large number of our patients on to other asylums such as Gutstein and Hadamar because we were opening other establishments. We had a new hospital and a new lung sanatorium and a new field hospital. It is for that reason that a large number of our patients went to outside establishments.

Q. Well, where did these patients go?

A. To Weilmuenster, Gutstein and Hadamar.

Q. Do you know whether any of those patients were exterminated in any one of those institutes?

A. I assume that at least the possibility existed that they were exterminated at Hadamar, as far as I am informed today, that is.

Q. Now, witness, didn't you know at the time they were transferred that the purpose was for extermination?

A. No, that was unknown.

Q. What makes you say now that you think some of them were exterminated at Hadamar?

A. Because now, during my internment, I heard of the trial at Hadamar.

Q. Witness, let us go back to Eichberg again and describe the operation of the children's ward. You were in charge of that ward, weren't you?

A. Yes, I was chief medical officer at that institute. I was a department chief medical officer of the children's section. The Institute had orders to give the "mercy death" to these children; that is to say, Berlin sent us so-called "authorizing documents" and these children, after a little while, would arrive too. Then we examined the children and if it turned out correct, the children were assisted in dying. That is to say, if they were physically very ill and at the same time, of course, insane. And then every month we made a report to Berlin, directly to the Reich Committee,



sent to a postal address, and then we received our mail from Berlin which was signed by Herr von Hegenar. Quite repeatedly Dr. Heffelman or von Hegenar came to visit us and they would discuss this and that so that we had liaison, in practice, with these two men only.

Q. While we are on this liaison with Heffelman and Hegenar, did you ever discuss with them the leadership of the Euthanasia program?

A. Yes. During the meeting at the Reich Chancellery when I was present. I sat together with a number of gentlemen and von Hegenar was one of them. Naturally I took an interest in finding out who these so-called "secret state tasks" were being directed by. It was on that occasion that von Hegenar replied to me that Professor Brandt was in charge, that is to say, medically in charge. This was in 1941. This, of course, remained my first conviction until 1944, when von Hegenar told me, during one of his visits, that this was no longer Professor Brandt who was the leading personality in charge; he was then only speaking about Brack.

Q. What about these visits in 1942 and 1943 that you mentioned - did you also have some discussion with them then about Brandt?

A. That I can't remember. I don't think we spoke about it, or I can't remember it.

Q. Well, how can you say that Brandt was in charge of the program from 1941 to 1944? On what do you base your statement?

A. Merely on this first conversation in the Reich Chancellery, when I was told that Brandt was the leading man; and, of course, also upon this conversation in 1944 when von Hegenar told me that this was no longer Professor Brandt.

Q. Well, did not Hegenar indicate that Brandt had recently left?

A. No, he merely told me, "No, Brandt's no longer the boss." I think this happened after the attempt on Hitler's life. I was not quite sure and I did not want to ask because Hegenar was always very tight-lipped.

Q. All right, witness. Let's go back to the children's department at Eichberg. When was the killing of children started in Eichberg?

A. The action started in 1941, approximately in the autumn and it con-

tinued until 1944.

Q. In other words, the children's action did not start until after you came to Eichberg?

A. Well, it had started already, ever since March, but at that time we had only a very few children. The station was really very small; on the average we had 20 children there and at first there were only 5, 6, or 7.

Q And you state that you received authorizations from the Reich Committee for Research, on Hereditary and constitutional diseases?

A Yes, yes, I received the authorization, the so-called "authorization."

Q And that was signed by von Hegener, did you say?

A Well, Hegener signed them. He signed the so-called "authorization". The authorization reports, one could say. And a photostat copy was attached so that every patient had a so-called "report".

Q How many children were killed in Eichberg, from the time the program started in 1941, until it was completed in the middle or latter part of 1944?

A About 80 children altogether. There were some special authorizations among them which concerned some adults who were deformed. I remember one cripple who was 30 years old.

Q Was his name Kessler?

A No; Kessler was another man. He was deaf and dumb and deformed, and he was a psychopathic case, too, and an epileptic.

Q Now you mentioned "special authorizations". Those special authorizations concerned grown-ups?

A Yes; the so-called "special authorizations", in these cases, sometimes originated from members of their family or other agencies.

Q From whom did these special authorizations come? The Reich Committee?

A Yes, the Reich Committee.

Q How many of these special authorizations did you receive?

A Approximately 15 to 20.

Q How old were these children who were killed in Eichberg?

A At the beginning, there were only very young children. Later older children were added, and later on, adults too.

Q How were they killed?

A Well, they were treated with sedatives.

Q. What kind of sedatives?

A. We had morphine and Luminal.



Court No. 1

Q. Were the grown-ups, who were killed under the special authorizations, executed in the same way?

A. Yes. These adults were usually severely ill and were close to dying.

Q. Were any of these children non-German nationals?

A. I cannot remember that. I don't think that was the case, however.

Q. You didn't have any children born of eastern workers in Germany, in Eichberg?

A. No, we did not.

Q. Were any of the grown-ups non-German nationals?

A. No; I cannot remember that. So often authorizations came along which concerned so-called "racial Germans", but they were not foreigners. That was in two or three cases, I think.

Q. What do you mean by "racial Germans"?

A. Once they came from Upper Silesia, and really had German nationality?

Q. Did you make out a list in the institution at Eichberg on those children who had been killed?

A. We made a monthly report. However, we did not make a real list.

Q. Well, didn't you make a report which gave the name of the child, and the date of birth, and diagnosis, and the date of the authorization, and the date of death?

A. No. These authorizations came from Berlin and were registered, and then, at the end of the month, we reported the names of the children who, at that time, were at this Reich Committee. In addition, the names of the children who, during the course of that month, were admitted, and then, also, such children who, during the course of that month, had died, together with their birth date, and then, at the end of this report, we summarized which cases were still at the Reich Committee.

Q. Witness, I will hand you Document NO-1146, which has been introduced in this case as Prosecution Exhibit No. 353, and we'll ask you if this sort of list is familiar to you — not this particular list, but a similar type of list?

Court No. 1

MR. McHUGH: Is the Tribunal please, this is not in any one of the Document Books before you. It was in one of the earlier Euthanasia Document Books.

A. We never made such a list. Our report only referred to six questions, which were contained on that form.

Q. Witness, I don't understand the last statement which you have made, will you repeat it please?

A. Our reports consisted of answering six questions, which were put to us by the Reich Committee on a form which we received too.

Q. And what were these six questions?

A. The first question was: "How many children were admitted from the Reich Committee during the course of that month?" Then, "How many children were at the station at the beginning of the month?" "How many such cases died during that month?" "How many were released?" "How many are there at the time?" And these had to be listed, as stated.

Q. You never made any report, by name, of those who had been killed to the Reich Committee?

A. Yes; that was question three. It was asked: "How many children died?" and then the list was given.

Q. They did not ask you for any diagnosis of the ones who had died?

A. Well, no; the Reich Committee didn't ask us that.

Q. In any event, you're clear that you never made any such report as I have just presented to you?

A. Not by a. Since the diagnoses are already established to the Reich Committee, they had already been explicated. I assure that they merely wanted to register that, then.

Q. Now, witness, you are familiar with an order, received from the Reich Ministry of the Interior, concerning Jews and Eastern workers, are you not?

A. Yes. That came in 1943 or 1944. In order cases, according to high people who were not fit for labor or such Eastern workers who were not healthy and could not be restored to health, were to be transported back to where

16 Jan-4-JP-16-4-Supperstein

Curt #. 1

they lived. Until that time, we sent each transport back to their home,  
but now, one large scale transport was to take place. That's when you said  
at the time.

MR. McHANEY: I want to present a document to you. It is the Document No. 891. Prosecution Exhibit 414. It is on page 52 of the English Document Book, and on 49 of the German Document Book.

Q. Is the nature of this document familiar to you?

A. No, it is not. Don't know it.

MR. McHANEY: It is on page 52 of the book, the last page of this document.

THE WITNESS: Page "52"?

MR. McHANEY: The last page of Document No. 891.

THE WITNESS: I don't quite understand the pagination of that book.

MR. McHANEY: Will you stand up there, and help him turn to page 49, first?

THE WITNESS: "49". Now, I have it.

MR. McHANEY: Will you turn to the page?

THE WITNESS: Yes. I know this document. Yes. That was the document that I was speaking about.

Q. By Mr. McHANEY: Did you receive this document from Bernadet?

A. That came to us through channels, from the Ober-President.

Q. That took place upon the receipt of this document?

A. That was a collection of these insane and Eastern workers that were not fit for work, and they were to be sent on a transport to an unknown destination.

Q. Will you repeat the answer, please, witness?

A. That was the order for a collective transport for insane Eastern workers who were unfit for work, and they were to be sent to an unknown destination.

Q. How about the transportation of these Eastern workers?

A. They were picked up by the same buses that previously had picked up the Insane.

Q. The same buses that had previously transported these Insane workers to extermination centers picked up these Eastern workers?

A. Yes.

Q. Were the same people operating those buses?



A. Yes, I remember that I recognized the same personnel.

Q. Do you know where these Eastern workers were taken?

A. No, I do not. But, after the trial had started in Hadamar; I must assume that a collection point was located at Hadamar.

Q. The document states that certain of these Eastern workers were to be taken to Hadamar; it says: "for Euthanasia, Mausem in Land Hessen Mental Institution."

A. Well, then, it must be assumed that these patients were sent to Hadamar; a letter once was found saying it was to be at Hadamar; there was a collection point where Euthanasia was carried out.

Q. How many of these foreign workers were sent from Eichberg?

A. On the basis of this order, there were approximately two or three transports. It may be that there was three people at one time; but I can remember two, at any rate. I don't remember the third one. And then some were picked up by the Labor Office, but I don't know whether they were sent to the same place. It was said at the time that they were to be sent back to Eastern Territory. And I also know, that there was some correspondence with reference to the approval for the journey. It may be that this occurred, many more times, but I really can't remember it.

Q. How late in 1944, did this extermination of children at Eichberg continue?

A. You mean until what date?

Q. Yes.

A. That was the middle of the winter, sometime around September; that was the time when Russian troops were advancing toward Berlin.

Q. Do you know any other places where the extermination of children was being carried out.

A. Yes, I know Itstein, Kantenhof and Goerden; but I think there were some more.

Q. Do you know what position VERTIG Brack held?

A. Yes; I assume that he was entrusted with the leadership at the Reichs-Kommando; that he really represented the Reichs-Kommando; Dr. Mannke spoke of him a lot, but I don't know how he got in contact with him.

16 Jan 47-A-FJC-17-3-Lehnherit  
Court No. 1

MR. McHANEY: May we have the regular recess at this time?

THE PRESIDENT: We will take a recess.

(Recess was taken)

THE WARDEN: The Tribunal is again in session.

THE PRESIDENT: Does any of the defense counsel desire to cross examine the witness?

CROSS EXAMINATION

BY MR. SEXTIUS: (Counsel for Earl Smith)

Q. Witness, what activity did Professor Brandt exercise in the euthanasia program?

A. What activity did he exercise? I myself do not know that personally, but in the session when I was initiated into the program I was told by Dr. Legner to my question who was in charge of this assignment, that this was Professor Dr. Karl Brandt.

Q. But you don't know his activity?

A. No.

Q. Then you neither know what agencies were subordinated to him or whether any agencies were subordinated to him?

A. I cannot say that. I only know that he played this leading part in the tasks which had to be accomplished, that he was to accomplish these tasks.

Q. You mean that he was supposed to have these tasks. Do you know what position Brack held?

A. I know Brack as Director of the Reich Committee itself which was an organization of the Reich itself. I do not know from when until that time.

Q. Was Brack a physician?

A. I do not think so. As far as I know, no, but I used to think that he was a professor.

A. Witness, I am submitting to you a document; that is, document NO-165 -- I beg your pardon -- NO-156 --

MR. McLANE: If it please the Tribunal, in order that I may not be too late with an objection, I think that defense counsel should be permitted to put only one question to this witness with respect to this document, if he is allowed to put any at all, and that is; is he familiar with the document?

I think I must object, however, to the witness even being shown the document in face of the fact that we have received no translation of the document which is in German.

I personally do not know precisely what the document says.

THE PRESIDENT: The document is already an exhibit before this Tribunal; is that correct?

MR. SURVAJUS: Mr. President, I am not quite sure whether it was submitted. It is a document that was given to me in the Defense Information Center and it is for that reason that I have made two other copies. I am sure that it will become evidence, and I am sure that if the Prosecution does not submit it I shall have to submit it myself since it is of decisive importance.

MR. LEHANEY: It is true that document 80-156 was obtained by defense counsel from the Defense Information Center where it had been sent by the Prosecution. However, we have sent a large number of documents to the Defense Information Center several months ago which have not been presented in evidence, and I can say with respect to this particular document that it has not been offered in evidence by the Prosecution and will not be offered in evidence.

Now, if defense counsel later wishes to present the document on his own behalf, that, of course, I suppose will be permissible. As a technical matter he now has no certificate authenticating the document. However, I don't wish to be understood as objecting to the document on the ground that it is not authenticated, because it would cripple him with such authentication. But the fact is, if we can make this clear, that I don't have a translation of the document. It has never been translated by the Prosecution and I have none at hand, and I do not know exactly what this document is, and I am at a loss to understand how the Tribunal knows what it is.

THE PRESIDENT: The Tribunal has no information whatever concerning this document. Just exhibit that document to the Tribunal now.

(Document handed to court.)



MR. SEWASTIUS: Mr. President, I intend to read the second page.

THE PRESIDENT: The document may be submitted to the witness with the question as to whether or not the witness can identify the document. The question should go no further than that, and the witness will make no further answer than whether or not he can identify the document, that he knows what it is.

MR. SEWASTIUS: Mr. President, the witness will not know the document, and I cannot submit it to him for that purpose. The question we are concerned with is the following: The prosecution has here submitted a chart --

THE PRESIDENT: The Marshall will conduct the witness to the witness room until this preliminary matter is settled.

(Witness escorted from courtroom.)

THE PRESIDENT: He will now have counsel for Defendant Brandt as to the document and what counsel desires to prove thereby.

MR. SEWASTIUS: Mr. President, a chart was submitted from which the responsibility of Karl Brandt for the Auschwitz program can be seen or rather, should be seen. The witness will test the chart was correct as it was submitted basically.

Here there is a letter from which it can be seen that this cannot be correct. Maybe now that the witness is absent I can read this short letter which only amounts to six lines. It is a letter: "Chief of the Chancellery of the Reich, Berlin, 5 September 1944, addressed to the Reich Ministry of Justice, Berlin.

Dear Dr. Goertner: With reference to the telephone conversation of a few days ago I may state the following: On the basis of the authorization of the Fuehrer, I, commissioned to carry out the measures and being responsible therefore, gave the necessary directives to my collaborators. Beyond that the decree of certain executive directive does not seem necessary to me." And then comes the signature. I wanted to show this letter to the witness, and I wanted to ask him whether he still remains at his statement; namely, that this chart which was submitted to him is correct according to his conviction.

THE PRESIDENT: By whom is the letter signed? Whose signature is it?

DR. SERVATIUS: It must be Bouhler, but I really don't know the signature.

MR. McHANEY: I am sure I don't know who signed the letter either. It doesn't look like Bouhler, but for purposes at this point I am ready to admit arguendo it's Bouhler. The point is, that the letter speaks for itself. There is no possibility, I think, substantial possibility that this witness has ever seen the letter, and of course —

JUDGE SEHRING: Can it be agreed that the letter is not signed by this man who is now in the witness box?

MR. McHANEY: Oh yes, indeed. I am sure that would be conceded.

DR. SERVATIUS: I didn't quite understand the question.

JUDGE SEHRING: Can it be agreed that that letter is not the letter signed by the witness who is now in the box?

DR. SERVATIUS: The witness did not sign it. It was Bouhler who signed it.

JUDGE SEHRING: Do you contend that that letter was ever brought to the attention of this witness prior to this time?

DR. SERVATIUS: No, no, I cannot say that. I merely am using it to submit it to the witness, and to tell him that it is in contradiction to what the Prosecution has submitted before, and whether he still maintains what he said before with reference to the chart.

MR. McHANEY: That I think, if it please the Tribunal, is the very point that he is trying to argue with the witness on the basis of this letter. There is no prior contradiction by the witness himself, and it constitutes no impeachment of the witness. The witness has presumably truthfully stated what he knows. The letter speaks for itself and can later be admitted, and we will at that time properly certify it so it can be admitted.

THE PRESIDENT: The Tribunal is of the opinion that this letter can nowise contradict the testimony of the witness. The witness stated simply his opinion that the chart was correct. Doubtless this letter may be admissible in evidence in due time, but the Tribunal is of the opinion that exhibiting it to the witness and cross examining the witness on this letter would add nothing to the situation as it now appears from the record.

The Marshal will recall the witness to the stand.

THE PROSECUTOR: Counsel may proceed with the cross-examination.

Q (By Mr. Servatius) Witness, You have said that you were in Berlin for the purpose of a conference. What you said later - was that in contradiction with what has been said at that conference at that time?

A I do not understand what you mean by contrast.

Q What kind of directives were given at that time about the execution of the Euthanasia program?

A Well, the same directives as were finally carried out - to move the invalids from the Insane Asylum to the Euthanasia Institute and I personally received subsequently the orders from the Reich Committee which had already been discussed during that meeting.

Q Did you at that time consider that an order for murder?

A In no way at all. Most people can explain the suicide of the orders to us that this was a legal matter and that it was a law of Hitler, or a law which had been - had legal value - all thought it was a law that had been duly approved. Also if Hitler was authorized to issue such a decree was discussed and was answered in the affirmative, and we were told that this was a matter that was quite legal -

Q Witness, a little slower.

A That it was a legal task of the State which had already been planned and which was also being planned in other countries and that we would not incriminate ourselves in any way, and to the contrary that a sabotaging of this order would be a criminal offense. The question of secrecy was also discussed in detail and it was stated that this was a new law; that the people could not have knowledge of such a law beforehand because otherwise the report would be submitted, and that was the reason why this law could not be published; that at that time we were engaged in war and that such a measure would have to be kept secret in the interior.

Q Who were the people that were to be concerned by the Euthanasia program?

A Who was that? That those were incurable severe invalids. Incurable sick patients. However, it was not quite clear to us where the limit



was to be drawn. For me personally, such a measure could only be considered in the case of death.

Q Was there at that time any mention made of useless eaters and measures to be taken from an economic hardship?

A The words "useless eaters" I have actually never heard at all during the war.

Q Was it mentioned at that time that the institution had to be kept free for other purposes and had to be evacuated and that was the reason?

A The reason for this measure was only touched upon briefly. We were told that these were tasks of the State which had become severely necessary as a result of the war, and there were tasks that were Eugenic, that is right.

Q How about the children?

A At the time there was always talk about the final medical aid.

Q Well, if I understood you correctly, the matter was seen from a medical point of view. That was the decisive point of view.

A Yes. I have only taken notice of the medical point of view.

Q How was the procedure actually carried through from this point of view? Wasn't this program actually conducted beyond their limits in its execution?

A In its execution the program was exceeded by far. I personally have not seen it, but on the basis of the reports I received, I must say that there certainly were excesses.

Q Witness, how was it in your institution with reference to excesses?

A In my institute things were only done on the basis as had been authorized by law.

Q You had therapy stations?

A We had three therapy stations. Of course, it was not a very nice view to watch these transports.

Q Well, you said that later eastern workers were picked up?

A Yes.

Q Wasn't that in excess of the original order which you received?

A I cannot say that. That just came to my knowledge.

Q Do you know where the order came from to transport these people away?

A From the Ministry of the Interior. It was given to us by an office of the Ministry of the Interior.

Q You mean the Reichsminister of the Interior.

A Yes.

Q You further mentioned that in August, 1941, the action was concluded, that it stopped. Do you know the reason for that?

A Yes. I do not know the official reason, but I have heard of it unofficially. I have heard that Van Golen had raised a protest, and that for this reason the whole procedure was being stopped. I want to state that I cannot say that with certainty, but for me it was anyway a reason.

Q Well, was this procedure actually stopped at the end?

A No. I immediately assumed when Hadamar was being closed that some other institute would continue with this task or that the procedure would be followed up in some other way. That is also what Mr. Von Hejmer said whenever he was present.

Q You said that these eastern workers were transported by the same buses as was the case before?

A Yes. Those were the same buses. They were big black buses, and the drivers were known because they used to come frequently.

Q Were they buses of the Gauleiter's office or did these buses belong to?

A These buses were owned by the transport company, of the patients' transport company in Berlin. After all, the personnel had remained in part in Hadamar.

Q. Wasn't their local personnel there?

A. No, there wasn't medical personnel.

Q. You later said something about the excesses with reference to the program. Would you have to differentiate there how it was until the Action was stopped in 1941, or how it was later on? What excesses do you know of until the Action was stopped in 1941?

A. You mean individually?

Q. Yes, in your institution.

Q. There were none at all in our institute. People were being moved and transported away.

Q. In that case you acted according to directives?

A. Yes, sir. I personally was not in charge of this Action, but I was only the director there, but as far as I know by the nursing personnel nothing indecent ever happened. Of course, some of the patients refused to enter the buses. Of course.

Q. And weren't these cases extreme cases that were sent for this Euthanasia Program?

A. Yes. Of course, it depends where the limit is drawn. One can maintain the concept that a large part of the patients, perhaps, might have been improved through modern shock treatment or some other modern methods of treatment that a certain change in the standard of the disease could have been brought about; but in considerably progressed cases of insanity, in my opinion, most of the patients could not be exchanged to have any joy of life.

Q. Did you at that time hear about any Action 14 F 13?

A. I have never heard anything about this Action. I do not know the --

Q. Didn't you ever hear anything about it?

A. Now during my interrogation I have been asked about the number, but I do not know anything about it.

Q. You were speaking about special authorizations which were given in special cases?



A Yes.

Q Where did these special authorizations originate from and who signed them?

A Just like all the others, by Dr. Von Hogenor.

Q With reference to the procedure in Wiesbaden, the proceedings in Wiesbaden where you were sentenced, was the activity of Karl Brandt mentioned?

A No, only a letter from Hitler to Brandt and Buehler was presented.

Q Is that the so-called Euthanasia decree?

A That is the decree of the first of September, 1939.

Q Do you know Professor Karl Brandt?

A I have never seen him.

Q Haven't you ever seen his name underneath written letters?

A No.

Q DR. PROSCHMANN: Dr. Proschmann, Counsel for the defendant, Viktor Brack.

Q Witness, this morning you were speaking on two occasions that Hogenor in the year of 1944 had told you that Professor Brandt did not have the medical leadership but it was Brack who held that, is that correct?

A. Yes. Regener told me on the occasion of his visit at Eichberg in 1944 after the plot on Hitler that Brandt was not the director of the Action anymore, and not the person in charge, as he expressed himself, but that Brack was handling everything by himself.

Q. Did he tell you from what period of time Brack received the sole leadership?

A. No.

Q. Now if I was to tell you that Brack ever since April, 1942, was at the front with the Waffen SS and in that way was not at all in the position to lead this euthanasia program, wouldn't you then think that you were the victims of a deception with reference to the name of Brack?

A. I do not believe so because he must have had some practical work in the Chancellery because the name of Brack was discussed at various occasions even in some other connections.

Q. In connection with what?

A. Also in 1943.

Q. 1943?

A. Yes, also.

Q. Did you have opportunity to observe the activity of Brack within the framework of the Euthanasia Program personally?

A. I personally did not, but my chief did.

Q. Then you cannot say personally whether Brack really made any personal decisions or whether it was Böhler who did that? Did you understand my question?

A. I cannot tell you that.

Q. That you cannot tell me. You mentioned this morning the name of Haffelmann and then Regener, and you mentioned these names in connection with the Reich Committee, is that correct?

A. Yes.

Q. Do you know anything about the fact that after Haffelmann was sent to the front Hauner became the so-called righthand of Linden?

A. Yes. I know that Linden in 1942 visited Eichberg, that he visited Dr. Hennecke, that on this occasion Dr. Linden was also introduced to me as the person in charge of the Euthanasia Program. To what extent he took over those assignments, I do not know.

Q. You said this morning that Brack was the leader of the Reich Committee. Where did you gain that knowledge?

A. From a Mr. Von Hagen.

Q. Mr. Von Hagen. Well, you don't know anything about that personally?

A. No, I have never had any personal contact with Brack.

DR. TROESCHKE: In that case I have no further questions.

DR. SLUTER: Dr. Sauter counsel for the defendant Blome.

DR. SLUTER:

Q. Witness, with reference to the chart which is behind you. I want to put to you one question. This morning you confirmed the accuracy of the chart with a few exceptions. Will you please take one more look at the chart; next to the name of Dr. Conti you see a yellow square, and then a brown square with the name of Blome, connected with the name of Dr. Conti with a green line. Do you know what that means, witness?

A. Yes.

Q. Well, I am now asking you, can you from your own knowledge say that Professor Blome was connected with the euthanasia program?

A. I do not know that from my own knowledge. I only know that Professor Blome was Deputy to Conti.

Q. Where did you get that knowledge from?

A. I was in a position to know that.

Q. This general statement of yours is not sufficient. I want something particular about it. How did you know that Professor Blome was active in the Euthanasia program?

A. I don't know that.

Q. You don't know that.

MR. SLUTER: In that case I have no further questions.

THE PRESIDENT: Any further questions of this witness by any of the other defense counsel? Any re-direct examination by the Prosecution?

RE-DIRECT EXAMINATION  
by

MR. KCHASZY:

Q. Witness, I have about four short questions to put to you. Did you ever get an order to exclude non-German Nationals from the Euthanasia program?



A I did not receive such an order, no. I have not received any orders of this kind. I received none at all.

Q Was the euthanasia restricted to persons about to die, that is, persons whom you might describe as being on their deathbed?

A Well, that was what we understood by it. If these persons were insane, or if they had a severe malformation of insanity or idiocy, and then if there was additional physical illness.

Q Witness, the question I put to you is whether only such persons were in fact exterminated?

A Yes, I assume so.

Q Witness, in your own station at Eichberg, is it not true that you just stated on cross examination that persons resisted getting into the bus?

A Yes.

Q That persons was not about to die, was he or she?

A No. It was like this. I have already stated that there can not be an exact limit named with these insane people, with insane persons who have become complete idiots, and they can not be rectified with any medical aid, those were also included in the euthanasia program.

Q Witness, was not the same people in charge of the euthanasia program after August 1941 as were in charge of the euthanasia program prior to that date?

A You mean in a leading position?

Q No, I mean, witness, did not you receive your orders from the same organizations after August 1941 that you did before?

A Yes, received them from the same organizations. They were always signed Herr von Hegener, by some of their gentlemen.

MR. McHANEY: That is all.

DR. SERVATIUS: Dr. Servatius for Karl Brandt.

DR. SEWATIUS:

Q Witness, you yourself were only concerned with children, is that correct?

A (No answer)

Q Can you describe, witness, what cases you were concerned with which lead to the euthanasia later on?

A There were all kinds of brain malformations, which also caused a part of idiocy. They were mostly a multiple disease which caused euthanasia.

Instability together with hereditary disease, or they were multiple diseases expressed as schizophrenia, a severe insanity which is schizophrenia.

Q I take it there were no papers to this effect?

A No, these papers were destroyed by order of the Reich Archives.

Q Another question in reference to foreigners. Did I understand you correctly to say that no foreigners were in the institute?

A Yes, we did have foreigners, but only a very few, and they were partially moved in special transports. There were probably ten individual transports which were accompanied by nursing personnel, and later on they were moved with these collective transports, as I have stated before.

Q Were these civilian workers?

A Yes, we did not have any others. They were truly civilian workers.

Q Was that after the action was stopped in 1941?

A Yes, that was even after the discontinuance.

Q How was it before in reference to foreigners, do you know of any such cases?

A I was not there previously.

Q Then you don't know it?

A No.

DR. SEWATIUS: I have no further questions.

DR. FOERSCHMANN: Dr. Foerschmann for the defendant Brack.  
Mr. President, the re-examination by the Prosecutor has caused me  
to put a few more questions to the witness.

DR. FOERSCHMANN:

Q. Witness, you were speaking of the fact that in the autumn  
of 1941, that is, after the stopping of the action, you were still  
receiving directives from Berlin?

A. Yes.

Q. Did these directives refer to the Reich Committee, or to  
the so-called euthanasia program of insane persons?

A. They referred to the Reich Committee.

Q. The Reich Committee, all right.

DR. FOERSCHMANN: I have no further questions.

THE PRESIDENT: Is there any further questions to be asked the  
witness? There being no further questions of the witness, the  
witness will be excused.

The witness excused.

DR. GALIK: Dr. Sedik, counsel for the defendant Hoven.  
Mr. President, I want to say the following. On the 10th of Dec-  
ember I asked for an examination of the witness coming from Holland.  
The General Secretary told me by way of writing yesterday that the  
calling of this witness was denied, in view of the fact that many  
difficulties prevail in getting the witness here, and in dealing  
with the foreign jurisdiction. High Tribunal, I ask you to re-  
consider that decision, and thereby consider the following points  
of view. The case of the defendant Hoven has a special significance.  
The defendant Hoven is the only defendant who for sometime was a  
camp physician in a concentration camp. Through proceedings a-  
gainst the defendant Hove, it will be an important factor just how  
the defendant Hoven behaved towards the non-German inmates. Especial-  
ly, whether in the case of non-German inmates he committed any crimes.  
Proper

witnesses for the purpose are former non-German inmates of the Concentration Camp Buchenwald, and it is for that reason that I ask that some of these persons be called to the witness stand. I have now received a decision on one such request. If the person cannot be called, it will not be possible for me to produce a large amount of material in favor of the defendant.

Furthermore, I beg you to consider that during the proceedings of the IMT non-German persons were put on the witness stand and were examined here. For instance, the Swedish citizen Dohlman from Sweden, and the Dutch citizen Goldschmidt in the case against Seyes-Inquart, and in such case also inquiry was made.

Furthermore, gentlemen of the Tribunal, I ask to take consideration of the fact that the Prosecution has already called non-German persons for the Prosecution. There were French citizens, and Polish citizens examined here, and it is for that reason that I think it is important that also on behalf of the defense non-German persons can be heard here on behalf of the defense.

THE PRESIDENT: The Tribunal is willing to give the defense reasonable opportunity for the calling of witnesses who are available for the defense in this action. I believe we remember the application mentioned by counsel. It is the opinion of the Tribunal that the testimony of the witness would be fully as effective if taken by way of written deposition. I have a note to that effect that was added to the application for the presence of the witness, together with the fact that the application for his physical presence was denied.

The Tribunal will be very willing to help in every way to the respective taking of testimony of this witness, and the other five witnesses, if it appeared to be



material before the Commissioners, or it had appeared to be important to the Tribunal to which it appeared that the Tribunal attached any material case; at least in one like this where a witness would simply testify that the defendant Hoven was not unkind to foreign persons who were confined in the camp in which he was the physician, and that the testimony could be taken with full effect in writing. Of course, the Tribunal is aware that the International Tribunal had more power and authority than this Tribunal, which is simply a national court. If counsel will prepare interrogatories to be propounded to this witness, the Tribunal will use every reasonable effort to have and to see that they are propounded to the witness by some authoritative officer prepared under oath to take the questions and answers of the witness in such interrogatory. If such an interrogatory is propounded, or interrogatories, they first should be submitted to the Prosecution so they may prepare cross-interrogatories, if desired. I think the Tribunal is saving time by such method, and it will endeavor to further facilitate such procedure.

MR. KENNEDY: I would like for the record to show that the certificate on document No. 1556-PS, which was introduced as Prosecution's Exhibit 327 has now been signed by Mr. Hiebergall, Chief of the Defendant ranch. I would like at this time to have the witness, Dr. Fritz Kannecke, take the stand.

THE PRESIDENT: Will the Marshal summon the witness Kannecke. The witness will hold up his right hand and he sworn as a witness, taking the oath and repeating after me:

I swear by God, the Almighty and Omnipotent, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may be seated.

DIRECT EXAMINATION

BY MR. KENNEDY:

Q. Your name is Fritz Kannecke?

A. Fritz Kannecke.

Q. Your last name is spelled K-a-n-n-e-c-k-e?

A. Yes.

Q. You are of German citizenship?

A. I am a German.

Q. You were born 16 October, 1904 in Hannover?

A. I was born on the 10th of October, 1904; not the 16th; it was the 10th.

Q. Now, witness, you were educated in medicine.

A. Yes.

Q. Where did you study?

A. I studied in Goettingen, Marburg, and Frankfurt-on-the-Main.

Q. Then did you pass your medical examinations?

A. In the year 1934.

Q. Where have you practiced medicine?

A. I was a medical practitioner at the surgical clinic, and furthermore

I was in the district hospital and municipal hospital at Heine,  
near Hannover, and also in the institute in Frankfurt-on-the-Main.

Q. Did there come a time when you went to the institute at  
Richberg as a doctor?

A. I came to Richberg on the first of January, 1935.

Q. And was Richberg a state insane asylum?

A. Yes. It was a mental institution of the Province of Hesse-  
Nassau.

Q. Did you ultimately become the director of the asylum at  
Richberg?

A. Yes.

Q. Did you enter the army in 1939?

A. I already participated in maneuvers in the army before that.  
When the war broke out I was drafted to the Western Front as a  
medical officer.

Q. How long did you stay in the army witness?

A. During the war from the 26th of August, 1939 until I was  
called indispensable on the 29th or 30th of January 1940.

Q. Why were you declared indispensable?

A. The reason for my being classified indispensable I did not  
realize at first; I only found out about it afterwards; it was my  
participation in the program.

WITNESS: May I be permitted here, before I am being interro-  
gated any further, to point out a certain fact?

MR. MC HANEY: Yes, witness.

WITNESS: As a severely sick patient, I have been brought from  
Frankfurt-on-Main to Murnberg. I am very exhausted, weak physically  
also in a mental respect certain disturbances have appeared with me,  
and so far, since occasionally I cannot concentrate my thoughts, I  
as well have certain lapses in memory. I, therefore, request the  
high Tribunal

to kindly take this consideration during my interrogation. I shall try to overcome these disturbances.

MR. HUBBARD: Witness, we only ask that you tell us what you know and what you remember, and you can state when you don't remember exactly.



A. Yes.

THE PRESIDENT: The witness will not be under pressure, and he will not be hurried; he may take what time is reasonable in order to answer questions.

BY MR. McHANEY:

Q. Now witness, I asked you why you were discharged from the army in January, 1940.

A. This discharge took place upon my being classed indispensable, which I could not explain. Then, when I returned home, I received a telephone call to participate in a conference in Berlin. This conference took place early in February in Berlin. Besides me there were approximately ten to twelve other physicians who had been invited there and who were unknown to me. We were told by Dr. Hefelmann, Bohne and Dr. Brack that the National Socialist State leadership had issued laws and decrees according to which unfit lives were to be exterminated. We, who had been assembled there, were asked if we would act as medical consultants. We were urgently reminded of the fact that we were not to discuss anything about it, about the subject, because this matter was top secret. In this conference Brack read a letter whose contents I cannot recall in detail any more. However, as far as I can remember, it dealt with the fact that all physicians who were cooperating in this program would not be committing any criminal offense. Then the activities were discussed.

Also what was expected of us; it was that of giving medical experiments on inmates of mental institutions — insane persons. The remainder of the physicians who were assembled there besides me were all elderly gentlemen. Among them were some big personalities, as I was to discover later. Since these gentlemen also gave their consent unconditionally, I also favored this position, and I volunteered as an consultant.

Q Did you take any oath binding yourself to secrecy at this meeting?

A As far as I know, no oath was demanded from us.

Q You never signed an oath at any later time?

A No.

Q Where was this meeting held?

A This meeting was held first of all in a room of the Kolumbus Haus, but then it was moved into a room of the Reich Chancery where further discussions took place, which I have already discussed.

Q Was that the chancery of the Fuehrer under Bouhler?

A I discovered later on it was part of the Reich Chancery, which was known to me as the Chancery of the Fuehrer, and it was under the direction of Bouhler.

Q Was Prof. Hitsche at this meeting in February, 1940?

A Yes.

Q Was Prof. Steinmaier there?

A Steinmaier is not a professor; however, he was present.

Q And I think you mentioned Hefelman, Dohne, and Brack.

A Yes.

Q Do you recall any of the other people there?

A I cannot remember the individual participants in this first conference.

Q How large a gathering was it?

A As I have said, there were ten or twelve, ten to twelve persons.

Q Do you remember who was chairman of the meeting?

A During part of the conference in the Reich Chancery, Brack was the chairman.

Q How many times have you seen Drack?

A I have seen him on several occasions after this first conference whenever I was in Berlin; I cannot tell you how many times I have seen him altogether.

Q Will you look at the persons in the defendants' dock and tell me whether you see Drack?

A Yes.

Q Where is he sitting?

A He is sitting in the second row, and he is the third man from the left.

MR. McHANEY: I ask that the record show that the witness properly identified the defendant Drack.

THE PRESIDENT: The record will show that the witness has identified the defendant Drack.

THE PRESIDENT: The Court will recess until 0930 o'clock tomorrow morning.

(The Tribunal adjourned until 17 January 1947, at 0930 hours.)

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# **OFFICIAL RECORD**

## **UNITED STATES MILITARY TRIBUNALS NURNBERG**

**CASE No. 1    TRIBUNAL I  
U.S. vs KARL BRANDT et al  
VOLUME    6**

**TRANSCRIPTS  
(English)**

**17-29 January 1947    pp. 1871-2206**

Corrected Copy

Official transcript of the American Military Tribunal in the matter of the United States of America, against Karl Brandt, et al, defendants, sitting at Nurnberg, Germany, on 17 January 1947, 0930, Justice Beals presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal I.  
Military Tribunal I is now in session.

God save the United States of America and this Honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, you ascertain if the defendants are all present in the courtroom.

THE MARSHAL: May it please Your Honor, all the defendants are present in the court.

THE PRESIDENT: The Secretary-General will note for the record the presence of all the defendants in the courtroom.

The prosecution will proceed with the witness on the stand.

FRITZ KENNECKE (Resumed)

DIRECT EXAMINATION (Continued)

MR. McHANEY: I will ask that the record show that the witness is still under oath.

THE PRESIDENT: The witness is reminded he is still under oath.

BY MR. McHANEY:

Q. Dr. Kennecke, you had told us yesterday about the meeting in Berlin in February 1940, concerning the Euthanasia Program. You had told us the names of some of the persons present at this meeting and you had also told us where the meeting was held.

A. Yes.

Q. You had also stated that the Defendant Brack was chairman of this meeting.

A. Yes.

Q. I now ask you whether or not instructions were given you as to your duties in connection with the Euthanasia Program?

A. The duties and obligations consisted of working according to the plan which had been worked out: that is, we who were called upon as experts were to examine the questionnaire which had been filled out in the mental institutions after they had been photostated. We were to express medical opinion on them and were to return them with our opinion to the Berlin agency.

Q Were you also instructed to prepare questionnaires for patients in the asylum at Eichberg?

A Every German mental institution received from the Reichsministry of the Interior forms and instructions to fill out such forms about each inmate of the institution and to send these forms to the Reichsministry of the Interior. Forms were filled out about the inmates of the Eichberg Institution.

Q Do you know what office in the Ministry of the Interior you received the questionnaires from and to which you returned the questionnaires?

A I do not know that. These questionnaires did not come directly from the Ministry of the Interior to the Eichberg Institute but through the provincial administration in Wiesbaden and they were sent back again via Wiesbaden to Berlin.

Q Was Bornat the head of the county administration in Wiesbaden?

A Bornat is the name. He was not the head but the man in charge of the institutions in the provincial administration.

Q Is the name, Dr. Linden, familiar to you?

A Yes.

Q What was Dr. Linden's connection with the Euthanasia Program, if any?

A I saw Dr. Linden a few times at meetings and conferences. Every time Dr. Linden made, so to speak, a dead impression on me. He did not take any active part. He was not in the matter. He did not care about what was going on. That is how it seemed.

Q Is the name, Allers, familiar to you?

A Yes.

Q. What was his connection with the Euthanasia Program?

A. When the Euthanasia Program had been divided into various form designations such as Reich Labor Community for Mental Institutions, the head of this organization was allers for business matters.

Q. Was a man named Bohne one of his deputies.

A. I know the name Bohne from the very first days, from the very first day in the Columbus House. After that I never saw this Mr. Bohne again and I never heard anything about him.

Q. You mentioned the name Reichsarbeitsgemeinschaft?

A. Yes.

Q. Will you tell the Tribunal what this Reich Association did?

A. The Reichsarbeitsgemeinschaft primarily dealt with the supervision of the questionnaire procedure, that is, this Reichsarbeitsgemeinschaft saw to it that the questionnaires were filled out and then were photostated and an opinion expressed on them. In my opinion that was the main task of the Reichsarbeitsgemeinschaft for mental institutions.



Q. Is the name Charitable Foundation for Institutional Care, and the Patient Transport Corps familiar to you?

A. The second, the Transport Corps, I know, but the one which you mentioned first, I do not recognize the expression.

Q. Are you familiar with the Stiftung?

A. Yes.

Q. And what did these two organizations have to do with the Euthanasia program?

A. The Stiftung, in my opinion, was in charge of the financial side of the whole program. The Transport Corps was used when patients had to be moved from one institution to another in order to bring them closer to the Euthanasia institution, and finally to the Euthanasia institution.

Q. Were these three concerns, that is, the Reichsarbeitsgemeinschaft, the Stiftung, and the Kranken-Transport-Gesellschaft, camouflaged names for the operation of the Euthanasia program?

A. The whole thing was doubtless under the supervision of one management. I cannot imagine that these three offices worked independently; they belonged together. They were given those names in order to conceal their activities by the names, but they were all one firm.

Q. You mean the same people were active under all three names?

A. That is not what I meant to say. The actual workers in the three organizations no doubt worked only in one of the firms, but the leaders of the whole thing -- there is no doubt but that they were in one central office.

Q. Now, doctor, what do you know about the leaders of this euthanasia program?

A. About the leading persons? The first one is Mr. Brack, and he was a leading personality in the program. He was the first one that I got to know, and I also considered him the leader until the time when I learned that over him was Reichsleiter Bouhler in the same field. Then later, about the beginning of 1941, I learned that Professor Brandt was also active in this program. Up to that time Professor Brandt was known to me only by name. I did not know him personally, but only as the so-

Court I  
17 Jan 47-M-FJC-2-1-Beard

called personal physician of the Fuehrer.

Q. Are the names Heyde and Niersche familiar to you?

A Yes.

Q Were they the so-called top experts in this program?

A They were called Obergutachter -- top experts in the program.

Q Are the names Blankenburg, von Hegenor, Vorberg and Hefelmann, familiar to you?

A Blankenburg, Hefelmann, and von Hegenor, I know those. There was another name that you mentioned.

Q Reinhold Vorberg, V-o-r-b-e-r-g.

A I can remember vaguely a gentleman who might have had the name, but I am not sure whether the person whom I am thinking of was really called Vorberg.

Q Now, Doctor, are you familiar with the Reich Committee for Research on hereditary and contagious diseases?

A I know the Reich Committee for hereditary diseases.

Q What does that organization do?

A There was a decree from the Ministry of Interior in which midwives, hospitals, maternity hospitals, and doctors, were obligated in case of birth of crippled or feeble minded children, were obligated to report to the Reich Ministry of Interior; that is, through channels, to the district physician and he had to report further, and it went to the Reich Ministry of Interior finally, and then this report reached the Reich Committee. The actual task of the Reich Committee was to see that those children were given a mercy death, and they were put in special children departments in the mental institutions.

Q Now, Doctor, I am going to have handed to you Document No. 253, which has been presented to this Tribunal as Prosecution's Exhibit 331. (The document is handed to the witness.) This Exhibit purports to be a chart of the organization of the Euthanasia Program, and I ask you to look at it for a few moments. Doctor, do you understand what that chart shows?

A Yes.

Q Will you explain it to the Tribunal in order that there can be no misunderstanding about what the chart shows?

A. This chart shows in a clear form the personnel, organization, and the technical organization or departments of the program. Bouhler, Brack, Blankenburg, von Eganer, Vorberg — I am not sure of that name, Hefelman, I can confirm these names. Brandt, I can confirm that one from the winter of 1941 until I left the service in 1942. Then there is Professor Heyde and Professor Niessche, the top experts, that is correct. In the beginning of the program there were in addition to these two men other university professors at conferences in Berlin. I assumed that they were also to work as top experts. I remember Professor Diginis from Berlin and Professor Hien in Jena. And, once I saw a professor, whose name I do not remember, from Bonn. Then there are three sections: Reich Association, the Foundation, and the Sick Transport Company; we have already talked about that, and it is correct. Then Allers, in charge of the office; we have talked about that. The roll Doctor Conti, Doctor Linden, and Doctor Blome in the program — I don't know about that. The experts listed below, that is correct on the whole as far as I understand it; the list corresponds to the facts, as far as I know the program.

Q. The qualification then you have made, considering your knowledge of program, gives a correct picture of the euthanasia program, would you say.

A. Yes.



Q. Doctor, before we have the meeting in Berlin in February of 1940, I want to ask you whether instructions were given that non-German nationals should not be subjected to euthanasia.

A. This question was not discussed at that time as far as I know.

Q. Now, after this meeting in February, Dr. Mennecke, did you then go to Eichberg?

A. Yes; and I took up my activity in Eichberg as director of the institution; and at the same time as I had been asked to do in Berlin, I undertook to fill out questionnaires in other institutions as well. I went to these institutions and filled out the questionnaires there. Thus I was frequently traveling first to one institution and then to another where there were questionnaires to be filled out.

Q. Now, Doctor, how long were you director of the asylum Eichberg?

A. I left the service as director at the end of 1942 and remained director of the institute on paper until the collapse.

Q. When you went to Eichberg in the beginning of 1940, how many patients were there in the asylum?

A. In the beginning of 1940 there were about thirteen to fourteen hundred patients in Eichberg.

Q. And questionnaires were filled out on all these patients?

A. Yes. There might have been twelve hundred; I can't say exactly.

Q. Where were these questionnaires then sent by you?

A. To the Provincial House at Wiesbaden, that is, the administrative authorities of the province, to Berlin to the Reich Ministry of the Interior.

patients of his own institution for his opinion.

Q After the experts had passed judgment on the basis of the questionnaires, then what happened?

A The procedure from that point on was that the top experts went into action and expressed their opinions. Whether these top experts were given the opinions of the experts I do not know.

Q After the top experts had decided, then what happened?

A I assume that in Berlin a list was made up of the patients who had been judged positively under the program and that arrangements were made to have these patients removed from their institutions to so-called intermediate stations and then from there they were transferred to the euthanasia institutes. From the geographical point of view around an euthanasia institution there were several institutions as so-called intermediate stations, collection institutions. They had to take in such patients, keep them a few weeks, sometimes only days, and then on the basis of lists which came from Berlin pass them on.

Q Was Eichberg a collecting station in 1940?

A Eichberg was arranged as a collecting point in the fall of 1940 or the spring of '41. I don't know exactly.

Q Doctor, how many of the four or a hundred patients that were in Eichberg in the beginning of 1940 were transferred out to an extermination station?

A Approximately 650 or 700.

Q Do you recall when they were sent to the euthanasia station?

A Between January 1941, that is, from January 1941 on. I don't know how long.

Q Do you know where they were sent?

A To Hadamar.

Q Did new patients come into Eichberg after these 650 to 700 patients had been sent to Hadamar?

A Yes.

Q Was the same procedure then followed with the remaining patients;

questionnaires filled out?

A Do you mean the ones who were sent to the Eichberg institution, as new patients? About these patients who were sent there to the collection point we did not fill out any questionnaires. These patients were already subject to the program. They had already been transferred there under the program.

Q How long did they stay in Eichberg?

A The patients stayed about two weeks; sometimes it was three weeks; and then lists came from Berlin in which the names were given of all the patients who were to be picked up on such and such a day. The Eichberg institution was to see to it that these patients were ready.

Q How long did this continue, Doctor?

A It started in January, 1941. It ended, as far as I know, in August 1941.

Q And that's the date that Hadamar was shut down?

A Yes.

Q Now, what happened in Eichberg after Hadamar closed for the time being? Did you just continue to keep fourteen hundred or fifteen hundred patients in Eichberg until the end of the war?

A Whether that many patients were at Eichberg until the end of the war I cannot say because I myself was not at the institution until the end of the war; but as long as I was there, his number is about right; and operations in the Eichberg institution after Hadamar was closed went on as before. That is, the patients were treated; and it was a regular institution for regular treatment.

Q Now, you had a children's department or a clinic in Eichberg, did you not?

A Yes.

Q Was that in charge of Dr. Schmidt?

A Yes.

Q Did Dr. Schmidt put children to death there on authorization from the Reichs Committee for Hereditary and Constitutional diseases?

A. As I recently learned from the trial in Frankfurt, yes.

Q Didn't you know that was happening while you were director of the institution?

A I knew the purpose of the Reichs Committee but I never took any personal interest in this matter.

Q You know approximately how many children were put to death at Eichberg?

A According to the Frankfurt trial it was about 200.

Q Did Schmidt also receive authorization, so-called special authorizations, with respect to adults?

A I know nothing about that.

Q Doctor, let's consider for a few minutes your activities as an expert in the euthanasia program. Did you receive photostatic copies of questionnaires on patients from other institutions?

A Yes.

Q And you passed an opinion on the basis of that questionnaire?

A Yes.

Q Can you tell us approximately how many questionnaires you passed on from 1940?

A That's difficult to say. I don't remember.

Q Were you acting as an expert in 1941, too?

A Yes.

Q Can't you give us some idea of the number of questionnaires which passed through your hands over that period? Would a thousand be too high?

A A thousand is not too high.

Q What about three thousand?

A It might be between two and three thousand. That's possible but I cannot say for certain.

Q Doctor, can you tell us approximately the percentage of these questionnaires on which you gave a positive judgment?



A That varied greatly. This was in part due to the way in which the questionnaires were filled out. In many cases the questionnaires were inadequate - were not filled out completely - so that one could not form a clear medical opinion but I can say approximately, all together, that in about 35 cases I reached a positive judgment and in other cases a negative or doubtful judgment.

Q Were you ever reprimanded for giving a positive judgment on too few questionnaires?

A Once at a conference in Berlin. Mr. Brack asked me to come to his room at the end of the discussion. In a room then Mr. Brack told me that it had been noticed that my opinions were largely negative and positive ones were lacking. Then I explained to Mr. Brack that I could only act according to my medical questionnaires and according to the information given on the questionnaires. If they were not filled out properly so that one could not get a picture of the case, one could not come to a positive decision. This is how I gave Mr. Brack my answer.

Q And you did not change your attitude as a result of this talk with Brack?

A No, I continued to change the questionnaires as I had been doing.

Q Now, doctor, did this questionnaire which you received on the patients have a blank for the nationality of the patient?

A Yes.

Q Did it also have a blank for the race of the patient?

A Yes.

Q Did you receive questionnaires on which you passed judgment as an expert which showed that the patient was a non-German national?

A There were Germans among the patients and patients who were not Germans.

Q Were there questionnaires also on Jews?

A Yes, Jews were also included, but only in comparatively small numbers.

Q Now, doctor did you ever receive orders to visit concentration camps in order to fill out questionnaires for inmates for the euthanasia program?

A Yes, such orders were issued.

Q When did you first receive such orders?

A In the early summer or summer of 1940.

Q And who gave you these orders, doctor?

A Who that was in individual cases I cannot say. Once Professor Neitsche, Professor Heyde, Mr. Brack. It varied.

Q Do you remember where the orders were given you?

A That also varied. In the beginning it was orally at conferences in Berlin and later cases it was by telephone. Sometimes by letter.

Q What were you ordered to do in the concentration camps?

A The inmates were to be examined. That is, questionnaires were to be filled out about them, about those inmates whom the camp doctors would bring to our attention so that we filled out the questionnaires after the camp doctors had selected the inmates in question.

Q In other words, before you arrived in the camp the camp doctor had made a list of those eligible for transport?

A Whether they were considered by the transport I cannot say but the selection had been made.

Q And on those inmates presented to you by the camp doctor you made out questionnaires?

A Yes.

Q Did you visit the concentration camp with other doctors from the euthanasia program?

A Generally, yes.

Q Can you tell us some of the names of those persons who went with you to the concentration camps?

A Professor Neitsche, Steinmaier, Faltheuser, Mauller and several others whose names I can't think of at the moment or whose names I don't remember.

Q How big were those doctors' commissions usually?

A That also varied. It depended on the number of inmates selected by the camp doctors.

Q. Now, you state you began to go to concentration camps around the summer of 1940. How long did that activity continue on your part?

A. I was in a concentration camp for the last time in the winter of 1941 shortly before Christmas.

Q. Do you remember how many times you visited the Buchenwald concentration camp?

A. Twice, as far as I remember.

Q. The first time in the fall of 1940 and the second time in the fall of 1941?

A. No. The two visits were not that far apart. The first time must have been in the winter of 1940 before the end of the year and the second time in the same winter of 1941 - after the beginning of 1941.

Q. Doctor, in order to refresh your recollection on some of these points, I want to show you Document NO-907 which has been introduced as Prosecution Exhibit 412. It's on page 45 of the English Document Book, your Honor. Doctor do you recognize this document?

A. Yes.

Q. Will you tell the Tribunal what it is?

A. It's a letter which I wrote to my wife. It was found in my home with other letters and documents and was confiscated. This letter is dated Weimar, 25 November 1941. Yes, I cannot doubt the date if I wrote it. Then I have to correct my testimony that I gave before. What's written in this letter must be right, so that I was in Weimar the second time in November 1941.

Q. Keep the book with you, Doctor. I will call your attention to it later. Keep the book with you. I will want to call your attention to some of the matters in it. Now, this letter dated 25 November 1941, represents your second visit to Buchenwald?

A. Yes.

Q. And the first visit occurred late in 1940?

A. That's probably right too.

Q. Doctor, did you fill out questionnaires on some inmates of the concentration camps who were non-German nationals?

A. Yes.



Q Will you tell us what concentration camps you visited from the summer of 1940 until the end of 1941?

A First, Oranienburg-Lichtenhagen, then Dachau, Buchenwald, Auschwitz, Gross-Rosen, Ravensbruck, Neuengamme. That was all.

Q Now, Doctor, before I put my next question to you I want again to refresh your recollection. Will you turn to Page 25 of the book before you? This is Page 31 of the English Document Book, Your Honors.

A Page 25?

Q Yes. Do you find that, doctor?

A Yes.

Q Will you read the letter, please?

A That is a letter from the Reichsfuehrer SS to the camp commandant of Gross-Rosen that I would be there from the 16th to the 17th of January, '42, and would select inmates.

Q Does the date given in this letter correspond to your recollection on the time you visited Gross-Rosen?

A Yes, that may be right.

Q Doctor, I want to call your attention to the reference at the top of this letter where it says "concerning our letter M F 13."

A Yes.

Q Do you find that?

A Yes.

Q Does that mean anything to you?

A No. May I say something about that? I really cannot understand at all that the Reichsfuehrer SS should make such an announcement about the affairs of the program. That was not customary. This must have been an exception, this letter.

Q Well, Doctor, don't you know that all concentration camps were under Himmler, and that --

A Yes, of course. But that the Reichsfuehrer SS should concern himself with the Euthanasia Program in this manner, I did not know that.

Q Well, but Doctor wouldn't the SS, the competent office in the SS have to give advance notice that you were coming to the camp, even though you had received your orders from some one else?

A I explain this as follows: The Berlin agency of the Euthanasia Program asked the Reichsfuehrer SS to write to the camp commandant of Gross-Rosen to send this letter to him in order to justify my visit. In other cases, as far as I know, that was never done. Only in this case.

Q Well, Doctor, didn't they usually have to give the camp management some advance notice so that the list of persons, list of inmates on whom questionnaires were to be filled out could be presented to you immediately after your arrival?

A Yes, but such announcements to the concentration camps, as far as I understand it, always came directly from the Berlin agency of the program to the concentration camp, not through the Reichsfuehrer SS.

Q Now, Doctor, I will ask you to turn to Page 16 of the Document Book before you. If Your Honors please, we are dealing with Prosecution Exhibit 411, which is Document 1151 PS, and I am now directing his attention to Page 20 of the English Document Book.

A Page 16?

Q Yes.

A That is a list.

Q Doctor, it appears from this exhibit that this is the list which was made up in the camp before your arrival and those were the inmates which were presented to you in order for you to make your examination.

A Yes.

Q I will ask you to turn through this list and look at the headings above each class of inmates. Do you see the heading "Jews in protective custody" on Page 16?

A Yes.

Q Turn to Page 18. Do you see "Jews who were habitual criminals?"

A Yes.

Q Then "Jews who were shirkers,"

A Yes.

Q Do you know what that means?

A Shirkers, or what do you mean?

Q Yes. What do they mean by "Jews who were shirkers?"

Do they mean they were just lazy, wouldn't work?

A I can't answer that question. I did not think and act according to the principles of the Gestapo. I don't know.

Q. Will you turn to page 20 of the document book before you?  
This is page 34 of the English Document Book, Your Honor.

Do you see "Poles in Protective Custody" on page 20, witness?

A. Yes.

Q. Do you see a notation "S.A.W."?

A. S.A.W.

Q. Do you know what that means?

A. I do not know.

Q. Will you turn to page 21? Do you see the heading "Czechs"?

A. Yes. Czechs.

Q. Will you turn to page 23? Do you see the heading "Poles in Protective Custody"?

MR. MC HANEY: It is page 27, Your Honor.

A. Page 23, I see "Poles in Protective Custody".

Q. And on the next page, "Czechs in Protective Custody"?

A. Yes.

Q. Doctor, will you turn to page 27 now?

A. Yes.

Q. Do you see that list?

A. Yes.

Q. The proof shows, Doctor, that this list is the one which was sent to Bernberg in March 1942, after your visit to Gross-Rosen. In short, this list is the one constituting those inmates who were selected for euthanasia. Doctor, by comparing the list which was made up before you arrived in the camp with this list beginning on page 27, it is shown that of 214 inmates selected, no less than 51 of them were Poles or Czechs. Do you understand that?

A. Yes.

Q. That figure of 51 non-German nationals, out of a total of 114 does not include any of the Jews who may have been of non-German nationality. I would like to put this question to you, Doctor, is this: Does this percentage of approximately 25 percent of non-German nationals selected for



Euthanasia in the Gross-Rosen camp the typical and usual percentage of non-German nationals selected in other concentration camps? Do you understand the question?

A. Yes. As for any typical directives of this kind, there were never any such directives. They were never observed. It is a coincidence that it happened like this in this case. The proportion was as it is.

Q. More basically, my question is, can you give us the approximate percentage of the number of non-German nationals included in the concentration camp transports?

A. I cannot give such a percentage.

Q. Doctor, was the personal data of the concentration camp inmates already filled out when you arrived at the concentration camp?

A. Yes.

Q. Was that done by the camp doctor?

A. He probably ordered it. The office no doubt did it.

Q. On your visits to the concentration camps, did you deal with the concentration camp doctor? Was he the authoritative person you saw?

A. I consulted with him. He told me that he had selected certain inmates. He had drawn up a list for examination. He was not always present at my work but sometimes he came in again, but we were not always together.

Q. But Doctor, you would not have been able to do your work in an expeditious manner unless inmates were presented to you when you arrived at the camp. Is that right?

A. I do not understand the question.

Q. It was necessary for you to perform your work to have these inmates sorted out and presented to you upon your arrival at the camp?

A. Yes.

Q. You could not have done your job if you had to select eligible inmates from all the inmates in the camp, could you?

A. If I had had to select them, no, then I would not be able to fulfill my task.

Q. Doctor, were all of the concentration camp inmates selected,

actually insane?

A. No.

Q. Will you explain your answer please?

A. By insanity we mean a disease which shows characteristic interferences with the mental activity which I will not describe but I will call them characteristics. That is what we mean by insanity. That condition, in the majority of cases of inmates in the concentration camps, was not true.

Q. Were any inmates selected only for the reason that they were unable to work?

A. That is possible.

Q. Were people selected who had diseases other than those of the mind, such as tuberculosis?

A. Yes. Such people were also included.

THE PRESIDENT: The Tribunal will now recess for a few minutes.

(A recess was taken.)

THE MARSHAL: The Tribunal is now in session.

BY MR. McELNEY:

Q. Dr. Henneke, can you give us an approximate figure what number of questionnaires filled out on concentration camp inmates by the commissions - doctors' commissions in which you were active?

A. No, I can not do that.

Q. Were these questionnaires processed in the same way as questionnaires from asylums?

A. Yes, that is to say, they were filled out in the camps, and then sent to Berlin; a photostat copy was made, and they were "expertized" and then just as it was done in the different institutions where processed.

Q. Doctor, was the visit to Gross-Rosen in January 1942 the last concentration camp you visited in connection with the euthanasia program?

A. Yes.

Q. Do you know whether or not the Doctors' Commissions continued to visit concentration camps in connection with the euthanasia program after January 1942?

A. That I do not know.

Q. Why did you stop making these visits?

A. In the year of 1942 there started a quarrel between Bernotat and myself, and from that period onward my attitude towards the euthanasia program was far more distant. From that period on my advice was not sought afterwards from Berlin with reference to any such work. The reason for that can only be seen in the quarrel between Bernotat and myself. It was a quarrel which finally lead to my exclusion, and to a proceeding against me. Then it lead to the exclusion from the Party, and to the end of my task as the director of the institution. That happened in the Autumn of 1942.

Court No. 1

Q. Doctor, how many doctors were commissioned by Berlin to make these visits to concentration camps to select inmates?

A. In Dachau, as far as I know, we were approximately 10 to 12 physicians. In other places there were less, maybe 5 to 6. In a number of cases, there were only individuals active. It differed.

Q. Now can you tell us approximately the total number of doctors who were commissioned to make these visits?

A. I estimate that the total of these physicians amounted to approximately 15, maybe 10 to 15.

Q. And there was no order, as far as you know, in January 1942 stopping these visits to concentration camps by the doctors' commissions?

A. There was no such order which ended these visits. At any rate, I received no knowledge of it.

Q. And do you have any indication that these visits to concentration camps continued after you left in January 1942?

A. No.

Q. But you also cannot exclude the possibility that they did continue?

A. I cannot exclude the possibility. I think it is possible that they were continued.

Q. Now, doctor, did you receive any special instructions with respect to questionnaires filled out on Jewish inmates of concentration camps?

A. Yes.

Q. Will you tell the Tribunal what these instructions were?

A. Orally, we were told that it was not necessary to examine Jews thoroughly and that it would be sufficient if a report was made about them.

Q. Who gave you these instructions, witness?

A. That too differed. I heard such instructions from Professor Heyde, Professor Hietche, and I think I can remember that Dr. Brack too gave me such instructions.

Q. Now, witness, I again want you to examine the extracts from letters



Court No. 1

you wrote to your wife. That is Document NO-907, Prosecution Exhibit 412.

It's on page 39 of the book before you, page 45 of the English Document book.

A. Page 39?

Q. Yes. Yes. A letter from Bielefeld and a letter from Weimar. Now, Doctor, will you look at the second paragraph of the letter from Weimar dated 25 November 1941.

A. It only consists of one paragraph.

Q. Do you find that part of the letter stating that, "As second portion, a total of 1200 Jews followed, all of whom do not need to be 'examined', but where it is sufficient, to take the reasons for their arrest from the files and to transfer it to the reports."?

A. Yes.

Q. Were your instructions then simply to fill out these questionnaires

17 Jan 47-M - 8-1a - LMG - Gaylord

on Jews giving the reasons for their arrest?

A. Yes.

Q. Is it true then that the sense of these instructions was that no weight should be given to an examination of the Jews?

A. Well, it wasn't important to examine the Jews. The important fact was for the leadership of the program to find out what the reasons for their arrest were. The situation was that these Jews, in every case, were healthy, physically and mentally.

Q. I didn't understand quite the last statement you made. Witness, will you repeat that, please?

A. The leadership of the euthanasia program did not attach any value to any physician's examination of the Jews since on the average these Jews were healthy, physically as well as mentally.

Q. And were those instructions given you in the summer of 1940 when you first made your visit to a concentration camp?

A. No. In the summer of 1940, I had not yet heard of these measures. That only followed later.

Q. And when, to the best of your recollection, did you receive these orders with respect to Jews?

A. That was not before the beginning of the year 1941.

Q. Early in 1941?

A. 1941.

Q. How were these questionnaires filled out on the Jews?

A. The heads of these questionnaires with all the personal data were already filled out. Then from the criminal files which were available, the reasons for the arrest were transferred to that report sheet. That was all there was.

Q. Were you instructed to fill out questionnaires on all Jews presented to you in the camp?

A. Yes, those Jews that were presented.

Q. And by whom were those Jews presented?

A. They had already been selected by the camp physicians.

Q. Were you given any other special instructions with respect to your work in the concentration camps?

A. No.

Q. Were you ever warned that you would be severely punished if you sabotaged the work in the concentration camps in any way?

A. Not only with reference to my work in the concentration camp, but also with reference to my entire activity within the program. Such warnings were repeatedly brought to my attention. They either spoke about my transfer into concentration camps or sometimes even shooting was mentioned.

Q. Doctor, will you refer again to the letter you wrote from Weimar in November 1941?

A. Yes.

Q. Do you see the name, Hofen, mentioned there as being camp physician, SS Obersturmfuehrer Dr. Hofen?

A. Yes.

Q. Was he one of the men you worked with in the camp, who presented these inmates to you?

A. He had the camp inmates presented to me. I never really worked together with him. As far as I know, I only greeted him and was introduced to him on one occasion and then we parted.

Q. But he was one of the authoritative leaders, as you say, in the camp who was to assist you in doing your job?

A. I don't know anything about him assisting me in my work. The fact is that he was one of the leading camp people, and there is no doubt about that since he really was the camp physician.

Q. Now, Doctor, will you look again at the letter. It's the second line of the excerpt in which you state: "On Thursday and Friday a meeting will be held in Prina within the frame of the action, in which problems of the future will be discussed and in which Schmalenbach will take part as the medical adjutant of Herren Brack." And then in parentheses is the name "Jennerwein." You find that?

A. Jennerwein, yes.

Q. What does Jennerwein mean?

A. Jennerwein was the pseudonym of Mr. Brack.

Q. That was the code name which he used in connection with his activities in the Euthanasia Program?

A. He generally allowed us to address him with his real name, Brack.

Q. Jennerwein was his pseudonym, as you put it?



A. Yes.

Q. Can you tell us who else in the Program used pseudonym?

A. No, I don't know of any more.

Q. Will you turn to page 40 of the book in front of you, page 46 in Your Honors' Book? The excerpt from the letter which you wrote from the Hotel Wegert, 12 January 1942.

A. Yes.

Q. The second paragraph of the letter states: "Now I will say goodbye to Dr. Schidlansky, then I will take a motor car and ride to the hotel." Wasn't Dr. Schidlansky the camp doctor at Ravensbruck?

A. Yes.

Q. What is the reference to Karl in the first paragraph of that excerpt?

A. You mean Karl?

Q. Yes.

A. That concerns my brother. This is a personal matter which at that time was discussed by my brother, who is a lawyer, with the Minister of Justice and he had some dealing with the Reich Chancellery. That has nothing to do with that Program, purely a private matter.

Q. Now, Doctor, in the first line of this letter you say: "I hope to learn from Professor Nietzsche what exactly our next 'tour' will be." Does the reference to "tour" mean a visit to another concentration camp?

A. Well, this is just the way I expressed myself. Well, this is just how I expressed myself. Under "tour" in this case I really understood my next activity.

Q. Doctor, will you turn to page 45 of the Document Book in front of you, 49 of the English Book, letter No. 4, dated Heidelberg, 15 June 1942?

A. Yes.

Q. It starts off: "Just now I finished the thing for

Court I  
17 Jan 47-M-44A-9-3-Gross-LUG

Berlin, in order to send it registered tonight, the photocopy for the Tiergartenstrasse as well as the answer to Herren Jennerwein." That is reference to Viktor Brack, is it not?

(Interpreter stated there was some question in the translation of this last question and asked that it be repeated.)

Q. "Just now I finished the thing for Berlin, in order to send it registered tonight, the photocopy for the Tiergartenstrasse as well as the answer to Herren Jennerwein."

A. Yes, with that I mean Mr. Brack.

Q. Now, a few lines down you state: "I want to show it to Professor Schneider with whom I discussed it this morning and who was very interested in this 'recommencement'". What do you mean by "recommencement"?

A. It was probably concerned with the recommencement of Euthanasia in the Euthanasia Institute and I mainly thought of Hadamar since Hadamar was located in our area. But I cannot now say with certainty what exactly I did mean by recommencement". I would assume, however, that it was concerned with recommencement of Euthanasia activity.

Q. And was it not recommenced?

A. No.

Q. Why not? Why do you say that?

A. As far as I received any knowledge of it, it wasn't recommenced, at least not in Hadamar. Whether it was done in other places I don't know.

Q. You only know about Hadamar?

A. Yes.

Q. Haven't you told us already that you continued to receive questionnaires on patients for your opinion during the year 1942?

A. Yes, during the year 1942, I still received them up to December 1942. Photocopies for my expert opinion. Starting from the fall of 1942, I didn't receive them any longer.

Q. Well, but of course wasn't that the time you had had your quarrel with Bernadette and this activity was becoming less in the fall of 1942?

A. Yes.

Q. I noticed in this letter that Professor Schneider is mentioned. Was Schneider working in Heidelberg?

A. Schneider was the director of the University-clinic of Heidelberg.

Q. Do you know whether or not Schneider received the brains of some of the persons who were subjected to the Euthanasia program for

Court I  
17 Jan 47-M-9-1a-SJ-Gross-LJG

examination?

A. Yes.

Q. Doctor Mennecke, will you look at the next letter, letter  
No. 35, dated 7 April 1943?



A. Yes.

Q. You say: "The letter of Herren Blankenburg, the answer on my 'report' sent to him about a fortnight ago is as follows: "What was the nature of your report to Herren Blankenburg?

A. The connections in that matter are as follows: After my quarrel with Barnardotte, I was excluded from Eichberg and again transferred to the Medical Services of the Army. I was sent to eastern France as front line physician, then sent to Charkow and Belgorod, and in the summer of 1943 I lived the severe activities taking place near Charkow. At that time I became ill with Basedow's disease and it was extremely difficult in the German Army at that time to be relieved from the front and sent back home even in cases of severe illness. I, however, had the aim to cure my disease as quickly as possible and I then remembered that at the time I was excluded at the end of 1942, the mention was made that perhaps after one-half year, my return would be possible and that Dr. Schmidt would be sent to the front. Now, in order to receive an assurance that my being declared indispensable was carried through, I wrote to Mr. Blankenburg since I knew it was this agency of Mr. Blankenburg which could succeed in managing my being classified as indispensable with the adjutant's office of the Fuehrer. That was the content of my letter to Blankenburg. That is what I assumed. However, I was surprised that in his reply he doesn't mention that at all.

Q Now, Doctor, will you turn to letter number 99, dated September 14, 1944?

A Yes.

Q I see a reference in there to Professor Brandt. Is that Professor Carl Brandt?

A Yes, that is Professor Carl Brandt, the personal physician of the Fuehrer.

Q And does this letter have anything to do with the euthanasia program?

A No.

Q Can you tell us very briefly what it concerns?

A The Dr. Jettinger mentioned in that letter, during peace and during war, was the chief physician of the institution of Hochenschwand, near the Black Forest. At the time I was there as a patient, I spent a few weeks in Hochenschwand and at that time established connections with Dr. Jettinger, who was the physician who treated me at that time. He told me about difficulties which he had with the Party, and in this connection he said that he could turn to Professor Brandt, who would do something for him and intervene in his favor. That is all. This has nothing whatsoever to do with the program.

Q Now, witness, can you tell us something more about this so-called interruption, and whether or not the program was resumed, and, if so, in what manner?

A The interruption of the general program can be seen in the light of many rumors, but, so far as positive knowledge is concerned, that is something I never had. I heard a few things by way of rumor. For instance, it was said that one day Hitler in his special train had gone from Munich to Berlin and that near Hof in Bavaria his special train suddenly stopped. When Hitler wanted to know the reason for this stop and turned to the window, he saw a crowd of people standing outside who were watching the loading of a transport of insane persons. These people very plainly expressed their annoyance at this procedure, and when

they then saw the Fuehrer from the window of his special train, they became even more annoyed. In connection with that rumor, it was said that subsequently Hitler had ordered that action to stop.

Q That was then the summer of 1941?

A Yes, that must have been in the summer of 1941.

Q Your only definite knowledge is that Hadamar stopped operations in August 1941; is that right?

A Yes.

Q But your visits to concentration camps continued until June 1942? Is that right?

A Yes.

Q And your activity as an expert continued until the summer of 1942? Is that right?

A Yes.

Q. Do you know whether the program was reactivated at Hadamar or elsewhere after August, 1941, in any manner?

A. The program in its original form was not started again. However, the functions of the Reich Committee were extended. The Reich Committee originally was concerned only with child patients up to the age of three years. This age limit was later increased to eight years, twelve years, and, I think even up to the age of sixteen or seventeen years. That in itself is one extension which was to be some sort of a substitute for the program that had stopped.

In addition, I heard by way of conversation with other collaborators of the program that it was desired that one or the other physicians in these institutions, in case he was ready to do it, was to kill a patient by injections or overdoses if he was convinced of the necessity of ending his life. This procedure then would have continued without any organization or official procedure. Whether and how far any such action was carried through, I cannot say.

Q. Dr. Mennecke, the Reich Committee for Research on Hereditary and Constitutional Diseases never interrupted its program, did it?

A. As long as I have known anything about this program, no.

Q. And to the extent that the program was continued after August 1941, was it continued by the same people and the same organizations?

A. You mean the program of the Reich Committee?

Q. No, I mean the program as a whole.

A. Well, the leadership of the program still remained in the same hands.

Q. And the Reich Association and the Stiftungen and the Patient Transport Corporation continued to exist after August 1941, did they not?

A. At first, yes. Whether they were later dissolved or not, I cannot say. At least I don't know the period of time when they were dissolved.



Q. Well, were they in existence as long as you were connected with the program, which was up until the end of 1942?

A. In this respect there was no change.

Q. Now, Doctor, let's go back to the position of Karl Brandt in connection with this program. Will you tell the Tribunal all you know with respect to Brandt's connection with Euthanasia?

A. I know very little about that. As I said before, I know that, at the end of 1941, he was included in this program as its leader. I never saw any letters written by him. I never saw him personally. I never heard him speak. He really did not appear during the course of this program. When, in 1944, I was treated as a patient in the army hospital in St. Blasien, I found out through conversations with officers, that Professor Brandt had an essential part in the collection of insane persons in the area of Lublin, Poland. That is really all I can say with reference to the case of Professor Brandt. It is not possible for me to say any more about him.

Q. Do you remember who told you that Brandt was connected with some action at Lublin?

A That was one of the officers at St. Blasien. I don't remember his name and I really don't know who he was, but I heard it by way of conversation.

Q Where is St. Blasien located?

A St. Blasien, South Black Forests, not far from the Rhine and the Swiss frontier.

Q Did your informant tell you when this Lublin action took place?

A A certain period of time was not mentioned, but it must concern itself with time up to 1944.

Q Did he say whether or not this Lublin action had any connection with the extermination of the Jews?

A There was mention made about Jews. Insane and Jews, it was said, were collected in Lublin in larger numbers.

Q Did you ever hear Viktor Brack's name mentioned in connection with this Lublin action?

A No.

MR. McHAFFEE: I have no further questions at this time.

THE PRESIDENT: Counsel will cross-examine the witness. Dr. Servatius, counsel for the defendant Karl Brandt.

CROSS EXAMINATION

BY DR. SERVATIUS:

Q Witness, a chart was presented to you from which the organization can be seen, which prevailed in the Euthanasia Program; you saw that chart, didn't you?

A Yes.

Q What activity did Professor Brandt exercise, according to your opinion?

A I really cannot answer that question, since I knew nothing whatsoever about his activities. I only knew that he held a leading position. What kind of leading activity he held, I do not know.

Q Witness, if you don't know the activity, then you cannot know whether it was leading or not.

A The fact that it concerned a leading activity I heard.

Q In that way you only confirmed this chart according to what you heard, with reference to the personality of Professor Brandt.

A As I said before, I only know that Brandt was a participant in this program at the end of 1944.

Q Well then, you cannot say whether Boubler had a leading position, can you?

A Boubler is not a physician. He is an administrative agent. It is possible that Hitler, in addition to his administrative agent, Boubler, had commissioned a physician as the second leader of the program. I think that is entirely possible.

Q Well, in that case you don't know the distribution of the work between Boubler and Professor Brandt?

A No.

Q Witness, you were present during the first conference in Berlin at the Columbus-Haus?

A Yes.

Q After that, it was continued in the Reich Chancellery?

A Yes.

Q What was said at that time, and how was your task interpreted at

the Columbus-Haus?

A. At the Columbus-Haus, my task was not interpreted.

Q. What were you told in the Reich Chancellery?

A. In the Reich Chancellery, we were told that we had been commissioned with the activity of experts; that is to say, to make an expert opinion on the basis of the entries in the photostatic copies, an expert opinion in the sense of the euthanasia question. That meant that we had to decide whether the life was worthy of continuing or not.

Q. What do you understand by "not worth to continue"?

A. This expression was used in the reports that were given to us, and, what I understood by "not worth of living", is an insane person, with a high degree of insanity, who has no real conception of his own life any longer, and who, because of his very severe symptoms of illness, is disturbing his own life without himself noticing it, and it is there where I understood the meaning of the words "unworthy of living".

Q. So, if I understood you correctly, the point of view of living for the patient — that is to say, life for him — held no value?

A. Yes.

Q. As it mentioned also, that these persons had no value for the State any longer, and were therefore useless eaters?

A. Yes; that was pointed out too. It was pointed out that, during the war, in numerous cases, healthy people had to give up their lives and these severely ill people continued to live, and would continue to live unless this action started, and that, in addition, the nursing situation and the nourishment situation would justify the elimination of these people.

Q. Well, what were the limits, and what exactly were the directives?

A. The measures taken were that, basically, patients who had not yet been in an asylum for longer than three years were excluded from that program completely.

Q. You didn't quite understand my question. What point of view, as a physician, was decisive for you in the selection, and in your judgment?



What were your directives given? Was it the medical point of view?

A. Yes, the medical point of view.

Q. And how about the other points of view? They were only mentioned as general observations?

A. Yes.

Q. Well, how about the execution? According to which points of view did you really select these people, and judge them? Did you really keep to what was told you?

A. I acted according to purely medical criticism and purely medical conviction when making my expert opinion. And in numerous cases, I decided on a "No.", or "Doubtful", rather than to say "Yes".

Q. Witness, if you decided to say "No", couldn't the other experts outvote you?

A. Yes.

Q. In what manner was that done?

A. That obviously happened because otherwise Mr. Brack could not have reprimanded me, saying that my expert opinions were far too soft and not rigid enough, and the manner in which this was being carried out was that a committee of experts consisted of three, the three of them received the same questionnaires, the same photostatic copies, and had to give their opinion of the same questionnaires independently of one another, and then, with their result, send them back to Berlin.

Q. Now, why wasn't such a questionnaire circulated? Why was the procedure selected that everyone independently received a questionnaire?

A. The gentlemen in charge of the organization could give you much more information on that point than I could, since I don't know according to what principles and what directives this whole procedure was built up.

Q. Witness, do you know, when one of these experts contradicted whether the judgment was negative, was the authorization refused then?

A. I don't know that. It certainly was not the case that when one expert said "No.", and the other two said "Yes," that then the patient in question did not fall under the Euthanasia program. No, that is, it was not necessary to have a unanimous "Yes" by all the participants of the committee in order to lead the patient to the Euthanasia program.

Q. Do you, from your own knowledge, know of any certain case?

A. No.

Q. Then where do you gain your knowledge from?

A. From conversations with the collaborators, and from the directives which were given us, and which we were told to observe.

Q. May I turn to a case where you voted with "No", and where, in spite of that, an authorization was given?

A. No.

Q. Now, in the year of 1942, if I am correct, August 1942, there was a stop in Hamburg?

A. Yes; in Hamburg.

Q. Subsequently, wasn't there a basic change in the procedure after that?

A. Yes -- well, what do you mean by "basic change", doctor?

Q When, for the first time, did you hear the name of Liebehenschel?

A What name?

Q Liebehenschel.

A I just now heard it for the very first time.

Q When, for the first time did you have any dealings with the camp of Oranienburg?

A That was in the summer of 1940.

Q What was the cause for that?

A The cause was directive from Berlin to go to Oranienburg with a number of other physicians, and there examine inmates and fill in questionnaires about them.

Q Who gave you these directives?

A I don't know who, in that case, gave them. It may have been Mr. Brack, it may have been Professor Heyde. Especially after such a long time has elapsed, I cannot say that.

Q Now, you have said before, when examined by the prosecution, that in 1942 you were in Buchenwald for the first time?

A 1941.

Q Oh, no; you said 1942.

A Well, I was in Buchenwald on two occasions. The second time was 1942.

Q Early 1942?

A Yes.

Q Then you further said that shortly before that you had been there for the first time, which would have meant the end of 1941?

A Well, not 1940, but 1941; that is, after the start of the Euthanasia Program.

MR. McHANEY: May it please the Tribunal, I must object to these statements being made by the defense counsel. I very clearly put the question to the witness with respect to the letter he wrote from Weimar, in November 1941 — asked him if that was the second time he visited

17 Jan.-11-20-M-ATD-Kupperstein  
Court No. 1

Duchenswald, the answer being "Yes". The next question was: "Then, was the first time you visited Duchenswald, late in 1940?" The answer was "Yes". The witness has never testified that he was in Duchenswald in 1942.

THE PRESIDENT: The record, in that connection will speak for itself. The Tribunal will now recess until 1:30 o'clock.



CORRECTED COPY

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 17 January 1947)

THE MARSHAL: The Tribunal is again in session.

MR. McHANEY: In connection with the objection that I raised just before the luncheon recess, I would ask, if the defense counsel wishes to continue or insists upon the line of questioning which he is adopting, that the stenographic notes be obtained on the testimony of the witness with respect to the dates on which he visited Buchenwald and have those read aloud so that the witness can be properly be advised of the testimony he has already given.

THE PRESIDENT: Is defense counsel desirous that the record be searched to find that evidence and read it?

DR. SERVATIUS: I do not intend to put another question to the witness on that matter. The record will show later on what the correct situation was.

THE PRESIDENT: The record will show. The cross examination may proceed.

Fritz MENNECKE (Resumed)

CROSS EXAMINATION (Continued)

BY DR. SERVATIUS:

Q. Witness, you have stated that during the time you were in St. Elisian in the hospital, an officer had told you that Brandt was connected with the collection of insane persons and Jews in Lublin?

A. Yes.

Q. That was a matter which interested you very much, wasn't it?

A. Yes; it interested not only me; it also interested the gentlemen who talked about it, that whole group of people we were with.

Q. Witness, you were an expert on the subject of insane persons and you had already worked in the so-called Euthanasia Program?

A. Yes.

Q. Well, in that case you must have been especially interested in that.

A. Yes, I was interested in it.

Q. A very special interest, wasn't it?

A. Yes.

Q. Did you on any other occasion receive some confirmation of that rumor?

A. Notaside from this case.

Q. I am sure that you would have remembered it, wouldn't you?

A. Probably.

Q. I have another question to put to you. Do you know the original decree where Brandt and Bouhler were authorized and where physicians were authorized to conduct Euthanasia?

A. In the trial at Frankfurt I had an opportunity to read a photostatic copy of this decree.

Q. At that time, during that first conference in Berlin, was this decree presented?

A. No, not this decree.

Q. But were you told at that time that a critical judgment of the case history was important for the selection of the sick?

A. Yes.

Q. That was told you?

A. May I hear your question once more?

Q. At that time you did not see the decree. You saw it later, didn't you?

A. Yes.

Q. I mean the decree where it said that a critical judgment of the case history of the patient would be made and only then could Euthanasia be authorized?

A. There was a special memorandum on the principles to be considered in forming this opinion, and also for filling out the questionnaires.

Q. Witness, we will come to that later. I am now asking you about the decree itself.

A. This decree which mentioned Brandt and Bouhler I did not see in February 1940, in Berlin.

17 Jan 47- 12-3-A - LJC - Lesser

Q. But you saw it later, during the trial?

A. During the trial at Frankfurt.

Q. And what did it contain?

A. It said that physicians were permitted to give "mercy killing" to insane persons. I do not know whether that was the exact wording. I can not recall the text. It wasn't much. It was about this much text. (Demonstrating.)

Q. You said before that at any rate there were medical points of view which were decisive for the selection?

A. Yes.

Q. Now you further state that even in the case of the inmates in the concentration camp, questionnaires had to be filled out. You further stated that political prisoners and Jews were expertized in that manner?

A. Yes.

Q. What points of view were decisive in their cases?

A. That has already been discussed. The Jews were not judged according to their health but from the point of view of the reasons for their arrest.

Q. So there were political and racial considerations?

A. Yes.

Q. Who gave you the order to use these points of view in your procedure?

A. I also said that before. That varied. Sometimes it was Professor Nietsche, sometimes Professor Heydo, or Mr. Brack. These were the people who indicated the procedure to be used.

Q. Was not this completely in contradiction to what had been said at the beginning?



A. At least it had nothing to do with Euthanasia of the insane.

Q. When did you start proceeding according to this point of view,--that is, racial and political consideration? Was it already during your first visit to the concentration camp?

A. No.

Q. Well, when did it happen?

A. In my opinion that could only have been begun in Buchenwald or maybe at Dachau.

Q. Will you just name a date, an approximate date? Was it before the stop or after the stop, - I mean the Euthanasia stop?

A. Probably before the Euthanasia stop.

Q. And what was the procedure before that? What was your task in the concentration camp before that?

A. The examination of prisoners who were presented, to determine whether they were psycho or pathological.

Q. Well at first it was a medical question and later on it became a political and racial question?

A. Yes. That is, in addition to the political and racial question there were later purely medical considerations, cases which had to be judged from the medical point of view.

Q. So later there were two cases. There were the insane people who, according to medical considerations, had to be expertized; and the others, who had to be judged according to political and racial considerations?

A. One cannot separate the two, they were not clearly divided from each other.

Q. Whenever you examined a large number of Jews would you say that all of them were insane at the same time?

A. I have already answered that question. I have said that it is my opinion that they were not sick at all -- either insane or physically ill.

Q. But you did fill in these questionnaires?

A. Yes, those were the orders we had from Berlin.

Q. And who was to expertize and judge these questionnaires?

A. I do not know.

Q. Are you of the opinion that a physician was to do this judging?

A. I would not know what a doctor could learn from the questionnaires filled out about Jews.

DR. SERVATIUS: I have no further questions to put to the witness.

BY DR. FROESCHMANN: Dr. Froeschmann, counsel for defendant Victor Brack.

Q Witness, at first I have a question to put to you; before February 1940 were you in contact with leading circles in Germany who knew about the health situation and were entrusted with the leadership of the health situation in Germany?

A No.

Q Before February 1940 were you already dealing with the problem of Euthanasia?

A No.

Q Neither in practice nor by way of writing?

A As a student I occasionally read something in quite brief articles mentioning something about Euthanasia, but I did not read a great deal in that field.

Q So you really made no publications about that matter?

A No.

Q Were you a member of the S.A.?

A No.

Q Were you a member of the S.S.?

A Yes.

Q What was your rank in the S.S.?

A I was adjutant of the S.S. Oberabschnitt, physician of Wiesbaden.

Q And in the year 1939, or rather the beginning of 1940?

A Yes, I was that at that time.

Q Did you at that time already know Professor Heyde?

A No.

Q You only made his acquaintance later?

A I met him only through the Euthanasia Program in Berlin.

Q Did you at any time hear for what reasons you were asked to attend this conference in 1940?

A I never heard anything positive on that point, but I

assume that the S.S. office of the S.S. Oberabschnitt Rhein in Wiesbaden to which I belonged, had, without my approval recommended me for this work.

Q Now, another complex of questions; this morning during the examination you repeatedly used the word "Euthanasia Program", now let us talk a little about the Euthanasia problem; you stated before that at one time as a student you were slightly interested in the question and dealt with it; did you at any time before February 1940 deal with Euthanasia problems?

A No.

Q So it was something completely new for you, something completely new that you had in February 1940?

A Yes.

Q What did you understand at that time by "Euthanasia?"

A The aid which a doctor gives a sick person who is dying and who makes the death easier in this way.

Q Well, if I understood you correctly, you mean to say



that euthanasia does not mean a shortening of the life, but a mild death,  
as mild as possible?

A Yes.

Q You know the Reich Penal Codes, don't you?

A Yes.

Q You also know that as in all other countries of the World the killing of human beings is forbidden?

A Yes.

Q And you further know that the criterion of murder consists in the fact that the will for life in another person's mind is being interfered with?

A Yes.

Q You know that, don't you?

A Yes.

Q Now, you were the director of a mental institution for insane people?

A Yes.

Q And according to the general purpose of that institution it was the task of the physician to give therapeutical treatment to the patients and to restore them to a certain degree of health?

A Yes.

Q And to try and cure them if possible?

A Yes.

Q Didn't you have any misgivings about what you heard in Berlin, and didn't you think that it was in contradiction to the prohibition of murder?

A Such misgivings often occurred to me. On the other hand, however, there was always the positive assurance of the gentlemen ---

Q One moment. I want to ask you to confine yourself to my question. I shall come to that point later. You were saying that in the year of '30 -- in February 1940, you felt no misgivings whatsoever?

A I did not say that.

Q That is how I understood you.

A I said that from time to time misgivings on this question did come to me.

Q Later, after February 1940?

A From the beginning of this activity.

Q Did you, during the course of the period that followed, concern yourself with the euthanasia problem -- I don't mean the program, I mean the problem; do you understand my question?

A Yes. In so far as finally taking into consideration all details and exercising medical judgment, I came to the realization that for absolutely hopelessly insane persons who had no feeling of their own life and no awareness of their surroundings, that for these people it would be better to be dead than alive. In this form the problem of which you speak appeared to me. But in addition to that, cases which do not fall into this category, which I have just described, cases outside this category, I always rejected.

Q. We haven't gone that far, Doctor. I am only interested in your personal attitude to the question of the euthanasia problem. You previously answered to that question when I asked you what you understood a euthanasia, you said that was correct, namely to give a possible assurance of a mild death toward a severely ill person whose fate cannot be adjourned?

A. Yes.

Q. Now, subsequently to February 1940, did you concern yourself with the ethical attitude the followers of the opponents of the euthanasia problem?

A. I considered the following at the time from the ideological point of view: everything was based on the National Socialist Ideology and it was according to the National Socialist Ideology that a euthanasia program in the sense that it was set up should be set up, against these measures of the Government which was really identical with National Socialism, to oppose the ideas of the Government is quite foreseeable, and that had its effect on the inner attitude of the individual.

Q. I am asking you whether you concerned yourself with the attitude of the followers or the opponents of the euthanasia problem, whether you tried to inform yourself about their position after February 1940. And you have just told the High Tribunal may be very interesting with reference to your personal attitude, but it does not answer my question. And I am sure that you know that there was much call and recognition of the idea, or better, demands for the same political and measures were made by jurists and medical men; do you know that?

A. As far as literature on the problem of euthanasia I did not know very much. I read the little expenditure by Binding-Hoehle.

Q. But you did not know any literature by Bernauer, Altner, and Altner?

A. I did not know that.

Q. You had no reason after February 1940 to concern yourself with these matters?

A. I did not concern myself with them.

Q. During the conference of February 1940 not only medical men but lawyers were supposed to be present too. Is that correct?

A. I assume that Dr. Hoffmann is a lawyer.

Q. Now about other gentlemen from the Reich Ministry of Justice, weren't they present too?

A. I cannot say the majority of the gentlemen. I have forgotten their persons as well as their names.

Q. Don't you remember any longer with reference to a legal basis of such a euthanasia, or was a basis made by one of the other gentlemen?

A. The legal basis was discussed. A law was mentioned, a regular law which permitted this activity, declared it free of punishment, and we were told that this law was valid and binding.

Q. With reference to this law you are speaking of now, was there any mention of it already in January 1940; are you sure that you aren't wrong about that?

A. In February 1940 a law was made.

Q. I am asking you because in January 1940 a law was not actually between the walls of such a law.

A. When it could have been at a later meeting in Berlin this law was made.



Q On the basis of the statements that were made in February, 1940, in a large circle, did you think that you were justified to deprive insane persons of their lives and shorten them in a painless manner?

A It was not my duty to shorten the lives of the insane persons, it was my duty to act as a medical expert.

Q The activity, acting as an expert, included the approval of the attitude of other physicians or the approval of the acting of other physician who actually were to shorten the lives of these insane persons?

A Yes.

Q I am now asking you, did you feel yourself justified to participate in such an affair, if I may put it that way?

A On the basis of the contents of the law, yes.

Q And everything that was connected with Euthanasia was called by you the so-called Berlin action?

A Yes.

Q At any rate that is what you said in your letter to your wife?

A Yes.

Q This morning, already mention was made that certain circles of persons were to be excluded from this Euthanasia. At the moment we don't want to know just what circles were to be excluded, but what I do want to know is what I am asking you and that is whether in that discussion in February, 1940 if these exclusions were mentioned?

A Yes, these exceptions were announced from the very beginning.

Q And now, witness, I want to ask you what circles was that to extend to, and I am referring to the exceptions?

A People who had not been three years in institutions, war veterans, also epileptics and senile cases, also all organically sick persons with no mental disturbances.

Q And was there not a group among them that was designated as a foreign group?

A No.

Q There was no talk about foreigners; or don't you remember it?

A. Foreigners were not mentioned.

Q. Are you sure of that? You told us yesterday that because of your physical illness your power of concentration has suffered somewhat. I don't want to cause you any trouble and I am asking you again whether it might not be possible that these foreigners were discussed and maybe you don't remember it at the moment?

A. I am not aware that foreigners were mentioned in this connection.

Q. Witness, the Prosecution repeatedly pointed out that the decree of Hitler, with reference to which my predecessor here on the Prosecution asked you, was any reference made at that time that this decree was to be kept secret; do you know that this decree and the Euthanasia of insane persons was to be kept secret?

A. I learned of this decree, as I said before, only recently, but that the whole program of Euthanasia was to be kept secret we were told from the very beginning. It was to be kept a top secret matter.

Q. Did you not object to the fact that these directives were to be kept secret?

A. Yes, but the reasons for this secrecy were given as follows: they wanted to avoid unrest among the people, which was very important during the war and for that reason the thing should not be discussed.

Q. This morning, answering a question of the Prosecuting Council, the question being whether sabotage was punishable by death in concentration camps you answered "yes" and were repeatedly told that in such cases would be transferred into a concentration camp and that moreover there was a possibility of shooting. Do you remember that? Were you not a little wrong in expressing yourself? The Prosecutor was asking you about sabotage; were you not referring to the breach of secrecy when you made that reply? Do you understand the difference?

A. The breach of secrecy is also sabotage considered from the point of view on the whole.

Q. But, one may have a difference of opinion on that. What I did want to know was, this morning did you properly understand the word, "sabotage"

or did you mean the general obligation to keep the matter secret?

A By sabotage I mean constant interference and if a top secret matter is talked about, that is from my point of view constant interference of the execution of what the top secret matter wants.

Q Witness, this morning during the cross examination by the Defense Counsel of the Defendant Brandt, you voiced the opinion and you said that it was not only had the unanimous judgment, but also a majority decision was the basis for an insane person to be transferred to a Bushnell Institution?

A Yes, not all the opinion had to be positive.

Q Yes, that is what you said.

A That is why the opinion of the top expert was obtained; they had no right to outopinion.

Q I was just going to speak of that question: you were named an expert?

A Yes.

Q The top expert quite independent of you and quite independently of the judgment of the other experts had the responsible obligation and had to decide whether in fact the condition of the patient was serious enough to warrant the Bushnell of that patient?

A Yes.

Q Did you see in this fact a sufficient safeguard that errors with reference to the condition of the patients were excluded?

A I saw at least an extensive safety vent. I know that a University professor is not infallible and even in the medical field, but in general these gentlemen have great experience and one can have a certain amount of confidence in their work. To that extent the activity of the top expert over us as experts gave me certain inner confidence that in the case of an unconscious mistake on my part, the top expert would still be able to correct it.

Q You already said this morning that during the further course of the program you were active as an expert. As an expert you were asked to attend you were asked to become an expert during this meeting of February, 1940. Upon whose suggestion were you asked that? Did Professor Nietsche suggest you or did Professor Heyde suggest you?

A No, those of us who were invited to attend were all asked to participate in this work.

Q With reference to your appointment as an expert, did you receive any written confirmation?

A No.

Q Now, Witness, this morning and yesterday you repeatedly spoke about the agency in Berlin?

A Yes.

Q And I want to talk to you about that for a little while; Just what agency you considered at that time. You do know that in addition to Dr. Brandt, Buehler was authorized by Hitler by that decree to authorize certain physicians to give mercy deaths to certain incurable patients. Now where did Buehler have his office in Berlin?

A In the Reich Chancellery.

Q What street?

A Voestrasse 4.

Q Correct. In addition to that office in Voestrasse 4, was there another office in Berlin where medical questions were dealt with?

A In February, 1940, not yet; but soon thereafter in Tiergartenstrasse 4, the Reich Association for Mental Institutions was set up.

Q In the Tiergartenstrasse 4, yes, I am interested in that office. Who was active there?

A Professor Nietsche, Professor Heyde, Mr. Illers, a certain Mr. Mannann whose name I remember who worked on the questionnaires, and I don't know the names of the others.

Q You already mentioned one name this morning, a man who was supposed to be there. I am now asking you, was Oberregierungsrat Bohne there?

A Bohne? I don't know about that.



Q He is unknown to you?

A Yes.

Q Did you ever go to Tiergartenstrasse 4 personally?

A Yes.

Q Do you know how this office was named in inter-office communications?

A I know this office only under the name, Tiergartenstrasse 4.

Q Have you ever heard of the designation "T-4"? That is, the abbreviation for Tiergartenstrasse 4?

A I don't remember hearing that.

Q Now, it is correct that in Tiergartenstrasse 4 there was an office where Professor Heyde and Professor Nietsche were active?

A Yes.

Q Did this office have anything to do with the sending of questionnaires during the following period?

A Yes.

Q Only this office?

A Only this office.

Q Do you know the connection between Tiergartenstrasse 4 and the Reich Ministry of the Interior?

A No.

Q This morning you yourself mentioned the name of the official who was active in the Reich Ministry of the Interior with reference to questions of euthanasia. Do you still remember that name?

A Yes.

Q Dr. Linden. You said with reference to Dr. Linden that he was a dead influence?

A Yes.

Q But he was very active, wasn't he?

A Well, I can only say how he looked to me, and according to his appearance, I can only say that he was very little active and always gave the impression of a completely apathetic person.

Q Did you have any dealings with Linden?

A No.

Q Not even questions of the Reich Committee?

A I don't recall that I ever had any lengthy conversation with him.

Q Did you ever have any negotiation with Professor Heyde and Professor Witscho?

A That's happened more often.

Q Especially Professor Heyde?

A As long as Professor Heyde was still working in the program.

Q How long was Professor Heyde active in that program?

A It must have been during 1941 that he left.

Q Do you know why he was excluded?

A No, I did not find that out.

Q Don't you know who caused his departure?

A I once heard something of a personal dispute between him and another younger physician, but whether that was the reason for Professor Heyde's leaving I doubt very much, and I don't know the name of the other doctor. I don't know the reasons.

Q Well, what do you think of Professor Heyde, looked at as a human being?

A Professor Heyde was an SS Fuehrer and head of the University Nerve Clinic.

Q No, I mean his personality.

A He was friendly.

Q Was he a convinced adherent to the Euthanasia thought?

A Yes, he was interested in this problem.

Q Did you speak to Heyde about his career?

A No.

Q Do you know that Heyde was the medical consultant on the staff of the Gruppenfuehrer Eicke? Doesn't Eicke mean anything to you?

A I know the name.

Q Is it correct that Eicke was the inspector of concentration camps?

A I don't know, but I do know the name, Eicke.

Q Do you know whether there was any connection between Eicke and Heyde?

A No, I do not know.

Q So you know nothing about the question whether Heyde was caused by Eicke or a certain Brigadefuehrer Gluecke to carry out these measures in the concentration camp within the framework of Euthanasia?

A I know nothing about that.

Q Didn't Heyde ever speak to you about that?

A No.

Q So I can deduce from your statements that the center point of the Euthanasia program was at the "T-4" where all the questionnaires and reports

expertized or not expertized were collected and centralized, and from then on were passed on to other agencies; is that correct?

A As far as I knew anything about things in Berlin I can say yes.

Q In one of your letters to your wife; that is, the letter of the 14th of January 1942, you spoke of the fact that you could not find the Defendant Brack because he had departed for the East with a number of people belonging to this organization "T-4" in order to prepare the action with reference to German wounded; is that correct?

MR. McHANEY: I suggest that the paper be put in front of the witness so he can see what he has written.

THE PRESIDENT: That would be proper if the witness could not remember the document. If he does remember it there is no occasion for refreshing his memory.

Q (By Dr. Froeschmann) I wanted to ask you, did you know at that time that Brack, a long time before that had gone to the Eastern front? That was already at Christmas of 1941.

A I can say the following: I was in the Concentration Camp Ravensbrück. I had been working in the Concentration Camp Ravensbrück. I went back to Berlin in order to deliver the questionnaires which had been filled out at Tiergartenstrasse 4. This was before Christmas, 1941. When I came to Tiergartenstrasse there was quite considerable confusion there. When I asked for the reason I was told that a large part of the personnel of the Reich Association for Mental Institutions was employed at the Eastern front to give aid to German wounded and that vehicles of the Sick Transport Company were also being used, and that many of the people had left for the East.

Q But you knew nothing about the detail of Brack to the Eastern front?

A I heard nothing about that.

Q Witness, were you often in contact with the Defendant Brack?

A Not very often.



Q What is your impression of the defendant Brack?

A I always talked to him very pleasantly even when he reproached me for being too lax in my opinions. He did not oppose my objection very strongly, and in other cases when we had discussed purely business matters it was always without friction, without difficulties on either side.

Q So he was ready to give assistance and he was pleasant?

A Yes. I never noticed anything to the contrary.

Q Do you know what position Brack really held in the Chancellery of the Fuehrer?

A He held the position of a second administrative official. Brack was the second man.

Q How do you know that?

A I learned that. Dr. Heffelmann probably talked about it.

Q Isn't it true that Brack just as four or five of his colleagues was entrusted with a certain sphere and that Buhler as the Reichsleiter in the Chancellery of the Fuehrer had no deputy at all? Do you know anything about that?

A On these organizational questions at the top of the total program I do not understand these things.

Q Well, let us leave out the word "program." I am just speaking of the Chancellery of the Fuehrer, and I am asking you did you know what general task the Chancellery of the Fuehrer had?

A I knew that the Fuehrer Chancellery was a function of the Party.

Q I cannot contradict you here because this goes beyond the framework of the questions which interest us here, but I do want to ask you do you know that Hitler in order to free himself from the influences of the Party created a Chancellery under Buhler in order to see to it that decisions were made and examined by people who had nothing at all to do with the Party?

A I do not know about that. I did not have anything to do with these matters.

Q Do you know that it was Brack's general task at first to pass on complaints and applications for mercy and other applications to the Fuehrer and deal with them?

A No.

Q Do you know that Brack in the year of 1939 after the issuance of the Hitler decree regarding Euthanasia was asked by Bouhler to assist him in the organization of this affair in addition to his other duties?

A I am not aware of that.

Q And you don't know that the Euthanasia activity of Brack was only a side activity?

A I always understood that Euthanasia was the main field of Brack's work.

Q That is what I wanted to know from you. I wanted to know whether you are acquainted with that all. Do you know that the activity of Brack in the framework of the Euthanasia Program only took him half an hour daily?

A It is not known to me.

Q Do you know that Brack had nothing more to do with it than answer letters and questions regarding Euthanasia, then passed them on to another agency? Do you know that?

A I know nothing about all that.

Q But maybe you know something else. Was Brack innerly, just as you were, convinced of the justification of Euthanasia with reference to insane persons?

A Yes.

Q Did he repeatedly talk to you about it?

A Not only to me, but also in circles ....

Q No. I mean in private discussions.

A There were hardly any private conversations between us.

Q Then how about official conversations? Didn't Brack at any time talk about the matter that he was moved by similar considerations?

A Official conversations are always with a larger number of people, not with individuals.

Q So you can say nothing farther about that?

A No,

Q What do you understand by an "adjutant"?

A This is an assistant.

Q To what extent was Dr. Schmalenbach such an assistant of Brack?

A It was always said Schmalenbach was the adjutant of Brack, and that was the impression I got, and I always considered him Brack's adjutant.

RECALL

Q So that is not your personal opinion, but it is something that you know from hearsay?

A It is not based on any objective experience.

Q Very well. What nature did your discussion have, the discussions you had with Dr. Heffalmann?

A I frequently talked to Dr. Heffalmann. I don't know what you mean.

Q Well, I am referring to what you said this morning, that you reportedly spoke to Heffalmann, and I wanted to know what nature these discussions had.

A I discussed the Reich Committee with Heffalmann. Also in January, '42, Heffalmann called me in and - -

Q I don't want to know any details, just generally.

A Yes.

Q Did you speak about the questions of the Reich Committee? Did you speak about the questions of Euthanasia?

A Yes. That is true.

Q Was Dr. Heffalmann very lively?

A Yes.

Q He was?

A Yes.

Q Did you know Blankenberg personally?

A Yes.

Q Did you have any scientific conversations with him?

A No.

Q According to your knowledge, when did Brack speak to you about concentration camps?

A As I said, it is possible that that was the first time that Mr. Brack introduced the concentration camp activity. That would be in the summer '42, Oranienburg, Sachsenhausen.

Q Summer of 1942?



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A Sumner of  $H_2O$ , I mean.

Q In what connections did he speak about concentration camps at that time?

A I can't say this for a certainty.

Q You cannot say with certainty that you spoke to him about that at that time?

A It might have been Professor Heyde or Professor Mletsche and Brack.

Q Well, I just wanted to establish that, and that makes it necessary for a number of further questions. I want to establish that Brack did not speak to you about any of your activities in the concentration camps.

A Activity in the concentration camps was discussed with me by Professor Heyde, Professor Mletsche and Brack.

Q Well, now, you say again that you did speak to him about it.

A Yes, but I don't know in which case one person discussed it, or in which case another person, and in which case the third person.

Q And what was said with reference to your activity very generally? What activity were you to exercise in the concentration camp?

A Filling out the questionnaires.

Q Witness, up to that time you were merely an expert with reference to Euthanasia of the insane persons?

A Yes.

Q Now, if suddenly you are approached and asked to go to a concentration camp and there exercise some sort of an activity, you would have asked, "Why? How come? Why choose me?" Didn't you ask about the reason?

A This morning I said that on our first visits to concentration camps it was the question if there were psychotic or psychopathic disturbances. Only at a later time did our activity in the concentration camps go beyond these questions to other persons.

Q Well, may I take it that your reply is that in the summer of 1940 you were given the order to examine inmates in the concentration camp on their mental state of mind as far as they were in certain psychopathic stages? That was completely in compliance with the field in which you had worked in preparation for Euthanasia.

A Yes.

Q Did you have any misgivings about that, and did you have any thoughts about this being somewhat abnormal?

A No.

Q And you think you can remember on that occasion that Brack gave you some orders in that connection?

A Yes. Only I don't know in which case it was.

Q. Yes, very well. You already stated this morning that, with reference to the second action, you were concerned with the examination of Jews; you could not state, with certainty, whether any directives were given to you by Braack; is that correct?

A. I cannot say with certainty. I cannot say it.

DR. FRISSCHLAGER: I have no further questions.

BY DR. GLWIK: (DEFENSE COUNSEL FOR DEFENDANT HOVEN)

Q. Witness, in agreement with the Prosecutor, I understood you to say that in the winter of 1943, and the second time in 1941, in the concentration camp you saw the defendant, Hoven, there.

A. I must have — I must base my evidence on my letter.

Q. The letter is dated November, 1941; I am going to show it to you later.

A. On that occasion I saw Dr. Hoven.

Q. Did you see him on the occasion of the preceding visit when you were back?

A. I don't remember.

Q. Would you recognize defendant Hoven again?

A. No.

Q. I am now submitting to you this letter of the 25th of November 1941. Mr. President, this is Document BG 907; on page 39 of the German Document Book and 45 of the English Document Book, Document Book No. 16. Can you find the name of SS-Obersturmführer Dr. Hoven?

A. Yes.

Q. You say in that letter Camp Physician SS-Obersturmführer Dr. Hoven —

A. Yes, Camp Physician.

Q. One moment please. I should like to put to you that at that time the Camp Physician was Dr. Blanke; the defendant, Hoven, was the second camp physician.

A. Then I was misinformed.

Q. So is there a possibility of an error?

A. An error on the part of some one else.



Q. Thank you. Now, you don't need the letter any longer. During the examination you said that you only met Dr. Hoven when you were introduced to him. What can you say, from your own knowledge, as to what extent Dr. Hoven assisted you in your activities. I only want facts which you can remember.

A. He did not help us at all.

Q. He did not assist you at all; thank you. It is correct that you filled out questionnaires for all Jews in the concentration camp at Buchenwald?

A. Those headings had already been filled out in the camp.

Q. I am submitting to you this document once more; you say in that letter that you filled out questionnaires for 1200 Jews.

A. 1200 Jews, yes.

Q. I now put to you that there were only 1200 Jews in the entire camp of Buchenwald. Therefore, you filled out questionnaires for all Jews?

A. That was how it was ordered then.

Q. Very well. You further made a -- you say put the document away -- you further already stated that the question of health did not play any part in the case of the Jews.

A. That is right.

Q. Is it correct that only the reason for arrest played a part?

A. The reasons for arrest were entered on the questionnaires.

Q. Is it correct that you found the reasons of the arrest in the criminal files?

A. Yes.

Q. Do you know that the criminal files were in the political department of the concentration camp?

A. Yes. I don't know the organization of the concentration camp well enough to know the term political section; it doesn't mean much to me.

Q. In any case, it has nothing to do with criminal files?

A. No.

Q. It can, therefore, be seen therefrom that the camp physician played no part in that decision whatever?

A. That the duties of the camp physician were in these matters I cannot say; I don't know.

Q. Well, if you consider the fact that the physical state of the Jews played no part but the only thing that played a part was previous sentences -- from that it can easily be seen that it did not rest on the medical decision.

A. No.

Q. You further said during your examination that the camp physician had these inmates selected for you. Now, please consider what I just put to you. Wouldn't you have to correct your reply?

A. The persons concerned were presented to me by the camp physician, or he had them presented to me and at the same time the questionnaires, the question of date, had already been filled.

Q. Even in the concentration camp of Buchenwald in November 1941? Please differentiate between camps. We are not concerned now how it was in other concentration camps. I am only interested how it was in November 1941 in the concentration camp of Buchenwald.

A. The Jewish prisoners were presented to me and at the same time the records.

Q. Who presented them to you?

A. Well --

Q. Was it the camp physician, was it the labor detail leader, was it the political commissioner, or was it by the Gestapo?

A. It was not the camp physician. It was the SS men who were assigned to that duty. I don't know their rank.

Q. Then, I understood you correctly to say that you have no clues at all for the fact that the camp physician made the selection and under no circumstances can you say that the defendant Heven was instrumental in this



Q And, in other cases, as I said before, the reason for arrest only played a part, and you said, yourself, there was nothing medical to be filled out in the questionnaires, and naturally these questionnaires could be given to the camp leader without the knowledge of the camp physician. Is that not correct?

A Filling out the questionnaires?

Q Yes.

A It could have been done without any medical assistance, yes.

Q You further said that the list was made through official channels by order of the camp physician.

A What list?

Q The list that was given to you; that is what you said during your direct examination. The list of persons who were to be examined. Was such a list made?

A Lists were made on occasions, but not generally. It was different in different cases.

Q Could you say that in November 1941, in the Concentration Camp Ducherwald, that such a list was compiled?

A I believe that no list was made in Ducherwald at that time because it was a complete group of 1200 Jews. There was no doubt about the limits of the group.

Q Very well; now, I will read to you what the Prosecution said about the case of Ducherwald on the 9th of December 1946.

Mr. President, that is on page 107 of the German Transcript, and page 59 of the English Transcript.

"The defendant Hoven, as the Chief Physician of the Concentration Camp of Ducherwald, took part in the program and personally ordered the transfer of at least 300 to 400 Jewish inmates belonging to various nationalities to the Euthanasia Station in Bernburg."

I am submitting this transcript to you.

MR. McHANEY: May it please the Tribunal, I object to any question put to the witness or any excerpt, which is apparently from the opening statement



of General Taylor's. It does not constitute proof in the record because it obviously calls for an expression of an opinion by the witness, and from all indications, the witness's knowledge is limited to two visits to Buchenwald, and which does not include any activities by the defendant Hoven on other occasions.

JUDGE SEURING: Hand it up Mr. McHaney, please.

(The document was given to the Tribunal.)

DR. GAWLIK: Page 50 of the English Transcript, Mr. President.

THE PRESIDENT: The Counsel for the defendant Hoven is quoting from the opening statement of the Counsel for the Prosecution, and that is not a proper subject for the cross examination of this witness. The objection is sustained.

DR. GAWLIK: I then want permission to ask this witness if the defendant Hoven ever ordered the transport of the 300 to 400 Jews to Bernburg.

THE PRESIDENT: I did not hear the question. Will the question be repeated?

DR. GAWLIK: The question I want to put to the witness is: Did the defendant Hoven ever order the transport of the 300 to 400 Jews to Bernburg?

MR. McHANEY: If the Tribunal pleases, I think the question will be proper if he sets some date or time, or simply asks the witness if he knows whether Hoven ever transferred, on his personal orders, 300 to 400 Jews. I do not want reference made to the opening statement to the Tribunal. If he will fix the time, I think the question is proper.

THE PRESIDENT: The Counsel for the defendant Hoven will fix some date concerning the incident which took place at Buchenwald which the witness might have some knowledge of, and the question will be proper.

BY DR. GAWLIK:

Q Did the defendant Hoven, in connection with the Euthanasia Program in November 1941, order the transfer of 300 to 400 Jews to Bernburg?

A I do not know.

Q Did the defendant Hoven have the possibility in the framework of the Euthanasia Program to get such an order?

A I do not consider it possible that Hoven could give such an order because in general the transfer of inmates of the institution or camp to the Euthanasia Institution was done on the basis of the lists from Berlin.

Q You were further speaking about sabotage, Witness, in stating that the defendant Hoven prevented the execution of the measure 14 f 13 by a counter action, 13 f 14. The 1200 Jews for whom you filled out the questionnaires, according to your own letters, were really not transported away from Buchenwald. And, I am now asking you what punishment would have been given for such a sabotage?

A I do not belong to the Penal Committee of the Sabotage Section, and never did, I cannot give the prognosis for such an action.

Q But you can, you, yourself, say what punishment would follow if there was a breach of security?

A If it had been me, I would have been afraid of being shot.

DR. GAWLIK: Mr. President, I have no further questions.

THE PRESIDENT: The Tribunal will take a recess.

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: Any further cross examination of this witness?

BY DR. VOGLERER (Counsel for defendant Blome):

Q. Witness, do you know what position Dr. Conti held in the German medical service at the time of the execution of the "euthanasia" program?

A. Dr. Conti was in the Ministry and in charge of the medical service.

Q. And did he have another position besides that?

A. He was city physician of Berlin. I don't know...

Q. Do you know the name of the Reich Health Leader?

A. Yes.

Q. Who was that?

A. That was Wagner. I think Blome was the last one.

Q. No, I want to suggest to you that at first Wagner was the Reich Health Leader and his successor was then Conti. According to that, Conti held two positions. Now, if Conti was dealing with the "euthanasia" program, in what capacity did he act - meaning, referring to the two different situations that he held?

A. I am not informed about that. If I should express any opinion it would be merely an opinion.

Q. But you do know that the execution of the "euthanasia" program was a Reich matter and was dealt with in the Reich Ministry of the Interior?

A. Yes.

Q. And, therefore, if Conti had anything to do with that program it would be in his capacity as Under Secretary of State of the Ministry of the Interior and he wouldn't have dealt with it in a capacity of Reich Health Leader?

A. That is to be assumed.

Q. Do you know what position Blome at that time held in the Reich Health Ministry?

A. No, I don't know.

Q. Do you know whether Blome had anything to do with the entire program, and I mean the "euthanasia" program?

A. No, I don't know.

DR. VOGLERER: Thank you.

THE PRESIDENT: Any further cross examination of this witness by defense counsel?

(No response)

Any redirect examination by Counsel for the Prosecution?

REDIRECT EXAMINATION

BY MR. McMAKEY:

Q. Dr. Mennecke, you were put a number of questions by defense counsel for Hoven with respect to your visit to Buchenwald in November, 1941. As I recall, the record probably now shows that you stated that only Jews were selected on the occasion of that visit in November, 1941. Accordingly, I wish to put to you again your letter of November 25, 1941, written at Weimar, on page 45 of the English document book, Document NO 907, Prosecution Exhibit 412. It is on page 39 of your book, Dr. Mennecke.

A. Yes.

Q. Now, towards the middle of the letter you state: "Afterwards we continued our examination until about sixteen o'clock and I myself examined 105 patients, Mueller 73 patients, so that finally a total of 183 reports were ready as a first portion. As second portion a total of 1200 Jews followed, all of whom do not need to be examined, etc."



A Yes.

Q And down a little lower - down near the bottom of this excerpt it says: "After the Jews, another 300 Aryans as a third portion, who again will have to be examined." Now after reading that, Dr. Mannecke, don't you want to correct the record so that it shows that you did examine persons other than Jews in Buchenwald in November, 1941?

In other words, Dr., you did in fact select some Aryans in November 1941, at Buchenwald, did you not? Examine some?

A Yes.

Q Another question - did you send the questionnaires filled out on Jewish inmates to the same office as questionnaires filled out on Aryans?

A Yes.

Q And that was the office for the Reich Association Hospital and Nursing Establishments?

A The Reich Foundation for Mental Institutions.

Q Yes.

A Tiergartenstr. 4.

Q You sent the questionnaires there?

A Yes.

Q The last question Dr. Mannecke. Would you be willing to tell the Tribunal how you now feel about your participation in the "euthanasia" program?

A Yes, I am willing to express myself on that subject.

I deeply regret the fact that in 1940 I was drawn into this program. But when, after the collapse, the whole extent of the extermination of human beings became public knowledge of which I had known nothing up to that date, I was ashamed that I ever had any part in this program, even if in a subordinate position, and I am still ashamed today. That is what I have to say.

MR. DEANET: Thank you, Dr. Mannecke.

17 Jan 47-4-19-14-SW-Karrow (IL)  
Court No. 1

I have no further questions.

THE PRESIDENT: Has defense counsel any further questions regarding the last portion of the testimony of this witness?

For the record, during the afternoon recess the defendant Martha Oberhauser informed the Tribunal that she was ill and asked that she be excused from further presence in court this afternoon. The request was granted, defendant Oberhauser not being charged under the euthanasia count. So she is absent from court for the balance of this afternoon. The Secretary General will note that fact for the record. It will also be included in the transcript.

The Prosecution may proceed. The witness is excused.

MR. DE LAUREY: It has been called to my attention that on the 16th of January, on Page 1,787 of the English transcript a mistake was made, in that Exhibit NO 752 was not given an exhibit number. In fact, it was admitted as Prosecution Exhibit 124.

MR. DE LAUREY: It appears from my document book that it was admitted as Prosecution Exhibit 124.

MR. DE LAUREY: Yes, sir, it undoubtedly appears in your document book. The mistake was made by the persons transcribing the record, so that as it now stands, it says: "The next document on Page 10 of the document book is 30752, which will be Prosecution Exhibit from the Kadamar case." It should read, "will be Prosecution Exhibit 124, also from the Kadamar case." I just want that to appear in the record.

THE PRESIDENT: The record may be corrected to show the fact that the exhibit referred to is numbered Prosecution Exhibit 124.

MR. DE LAUREY: At this time the Prosecution would like to submit to the Tribunal the certificate made by Gen. Taylor with respect to the right of certain employees of the Office Of Chief Of Counsel for War Crimes to administer oaths. The certificate reads as follows:

"Whereas the Executive Orders 9,577 and 9,672, and to order of the Military Governor of 24 October 1946, General Order No. 301, I am authorized to sign and prosecute charges of atrocities and war crimes against persons

of the European axis powers and their accessories. In the discharge of the res. authorities conferred on me by the above mentioned orders, I have authorized and detailed members of my staff who are engaged with me in the preparation and prosecution of cases, including attorneys, interrogators, and other investigators and agents of the Office of Chief of Counsel for War Crimes to conduct interrogations and investigations, and in the course of such interrogations and investigations to administer oaths. A list marked "Schedule A" of the names of the attorneys, interrogators, and other investigators and agents of the Office of Chief of Counsel for War Crimes who have been authorized to administer oaths is attached hereto. As additional persons are authorized to administer oaths, their names will be submitted to the Secretary General for the information of the Tribunal. Signed, Clifford Taylor, Maj. Gen. USA, Chief of Counsel for War Crimes."

I shall not read the attached schedule. It consists of a number of names of those persons who are authorized to administer oaths, and I would like to file the original certificate, together with a copy thereof, with the Secretary General for the information of the Tribunal.

THE PRESIDENT: Will you hand the certificates to the Tribunal, please?

MR. TAYLOR (Chief of Counsel for War Crimes): Mr. President for



Earl Brandt.) Mr. President, it cannot be seen from the document whether these persons were already authorized at the time they administered the oath. Neither do I know whether Gen. Taylor himself has the authorization to employ such persons and give them such qualifications which are needed in order to administer an oath. I think that a special qualification has to be proved. I don't know whether foreigners, neutral foreigners who can prove no special qualifications, can be employed by an American Tribunal, and I want the Tribunal to clarify those matters.

THE PRESIDENT: The position of defense counsel for Earl Brandt is certainly well taken, insofar as the certificate does not show the respective dates at which those persons were appointed. In order to validate an affidavit or statement taken at some prior date, it must appear that the person who took or certified the affidavit was then qualified to do so. It would seem also that certified copies of the orders referred to might well accompany the certificate.

MR. HOLMEY: If I understand the Tribunal, they would like to have included information as to the date of employment of each of the individuals shown on there by the Office of Chief of Counsel.

THE PRESIDENT: That would not be necessary. But certain exhibits by the Prosecution were provisionally offered and received, subject to a later showing that at the time that particular affidavit or statement was sworn to or certified, the person who administered the oath or made the certificate was then qualified to do so. As to names on this list of persons who did not certify any of the affidavits or statements which have been offered, the dates of their appointment might well be immaterial, because this would show their appointment and service at this time. But as to those exhibits, offered exhibits which are still in suspension, it would certainly be necessary to

show that at the time they were made the persons were then qualified to act on behalf of the Prosecution of the United States. Just how many of these offered exhibits there were, I do not remember. There were not a great many.

MR. McILHEE: Relatively few.

THE PRESIDENT: Neither the Tribunal nor defense counsel will be interested in the dates the other persons were appointed. That statement will be subject to the exception that if affidavits are offered at a later date, then the same question would arise if they had been taken heretofore.

MR. McILHEE: Well, that question might arise in other cases. I don't think it will arise in this one. Since this certificate is designed to cover the whole complex of cases which will be presented here in Nuremberg, it affects cases other than our own.

We will undertake to rectify these deficiencies and submit additional evidence with this certificate at the time the court reconvenes Monday a week.

At this time I have four additional documents which the Prosecution would like to submit in evidence with respect to the Euthanasia Program, the first of which is Document No 1430, which will be Prosecution Exhibit 429.

Defense counsel, I think, have not received this document within the prescribed twenty-four hours before its offer, and consequently we are now submitting it with the understanding that they can raise sensible objections to the admission of the document.

THE PRESIDENT: The document will be considered with that understanding.

MR. McHANEY: The first page of this document is a letter dated 15 August 1944 from the Reich Working Association, Mental Institutions and I would like to say that that is the same organization shown on the chart as the Reich Association, Hospital and Nursing Establishment. It's to the Director Dr. Faltlhauser, the Kaufveuren Allgaen Mental Institution:

"Dear Mr. Faltlhauser:

"With reference to my letter of 11 August 1944 I should be glad if you would also include the insane Eastern workers whose names appear on the attached list, and hand them over to the Head of the Transport on 5 September 1944. A questionmark behind the name of the patient on the list indicates that their arrival is not certain.

With kind regards and

Heil Hitler

(signature) Dr. Schw."

"The next second page of the same document is quite similar, dated 11 August 1944 from the Reich Working Association, Mental Institutions. Director Dr. Faltlhauser:

"Dear Mr. Faltlhauser:

"The Eastern workers, whose names appear on the attached list, will arrive at your Institution by 2 September 1944. Mr. Rohloff, our Head of this Transport, will transfer these patients from your Institution on 5 September 1944. Please send also all Eastern workers whom you already have in your Institution and whose names are entered on the list with his transport.

Heil Hitler

Dr. Schw."

MR. McHANEY: The next four pages of the document are the attached lists of Eastern workers, there being a total -- well, it's impossible to give the total. There seems to be some duplication of names on one or two of the lists but this does list the names of Eastern workers who were being transported. The next document will be NO-1436 and

Prosecution Exhibit 430. This is dated 9 October 1944. The address from which the letter originates is Tiergarten in Strasse 4 and the Tribunal has just heard the witness Mennicke testify concerning that address. It's from the Chief of the Judge Office of the Mental Institutions.

"To the Mental Institution Kaufbeuren

"Concerning Easter workers.

1. Assets:

"Underwear and clothing may be used by the institution. I should like you to keep valuables and souvenirs for a certain time as there is a possibility that relatives equally employed in the Reich might put in a claim. Money, also foreign exchange, will have to be accounted for to this office.

"2. Cost of Transportation

"New arrivals will mostly come from other institutions as it will hardly ever be possible to make direct delivery to the collecting centers. I must ask you to advise the accompanying personnel of transports from other institutions that claims for cost of transport, etc., will have to be referred to me. As a matter of routine I must stress the fact that this does not apply if the patients are brought to the collecting centers straight from their place of work.



17 Jan 47-A - 21-Ja - LJJ - Burns

"3. Poras

"Within a few days we will be sending you forms for arrivals and medical statements. We are sorry that the printing of these forms has been slightly delayed."

The signature is apparently illegible. I come now to Document NO-1427, which will be Prosecution Exhibit 431. This is an affidavit sworn to by Ingrid Huber. It's offered provisionally as it is sworn to before Fred Rodell, Interrogator of the Office of Chief of Counsel and his authority to administer an oath will have to be clarified by these certificates to be submitted to the Tribunal. The affidavit reads as follows:

"I, Ingrid Huber, swear, depose and state:

"1. I was born on 9 June 1901 in Reisch in the District of Wasserburg Inn and from 1914 to 1917, after leaving the Volksschule, attended the continuation school. From 1920 to 1925 I was apprentice nurse at the institution Gaversee and passed my state examination and was a state licensed nurse. From 1932 to 1945 I worked in the state institution Hadamar as nurse and after 1944 as head nurse.

"2. On the basis of my long years of service in mental institutions and my service as head nurse in the institution Hadamar, I am in a position to state the following:

"3. In May 1943 Dischlings, half Jews -- all children -- were brought to the institution Hadamar. I cannot give the exact number of children, but to the best of my knowledge there were 15 to 20 girls. Almost all these children were healthy. Several had skin eruptions. These children were all killed by injections. When I returned to Hadamar in October 1943 after a 24 day leave, I was told that all the children were gone.

"4. From July 1944 until the collapse of Germany four hundred Russians and Poles, men, women and children, all of whom ostensibly had tuberculosis, came to the mental institution Hadamar. These people were always killed by injections immediately after their arrival.

(signed) Imhard Huber"

If the Tribunal please, it occurs to me that this document dealing with half Jews ties up with the exhibit which we presented either yesterday or the day before. It's the exhibit which we presented either yesterday or the day before. It's the exhibit I referred to which was an order dealing with half Jews but it did not show what happened to them. This affidavit shows us what the original order meant. We had submitted an affidavit or a statement taken before a public prosecutor which was not sworn to, which gave similar testimony but which was ruled out because of the fact that no oath had been administered. This affidavit, Prosecution Exhibit 431, ties up that bit of evidence. The next document is NO-4428 which will be Prosecution Exhibit 432. This also is offered provisionally subject to the acceptance of the certification by General Taylor as to the right of Mr. Rodell to administer the oath.

"I, Hermann Hesse, M. D. swear, depose and state:

"1. I was born on 22 January 1912 in Duesseldorf, Germany, studied at the Koenig University from 1931 to 1936 with an interruption from 1932 to 1934, and from 1936 to 1939 at the Medical Academy in Duesseldorf where I passed my state examination."

DR. SERVATIUS: Dr. Servatius, counsel for Karl Brandt. Mr. President, we have not yet received these documents. I am just receiving one document and my colleagues have not received any at all. We have to work on such an extensive amount of material that we could not really work if we have something in hand. I do not want to stop proceedings but I think too much is being demanded of us and this is why I have to object to further exhibits being offered.

THE PRESIDENT: I understand this is the last document to be offered this afternoon. Is that correct, counsel?

MR. JO HANBY: It is the last document which Defense Counsel has not received. I may be mistaken about that. I am not certain. However, I am sure there will be no dispute as to the next three documents that are to be offered.

THE PRESIDENT: It was understood, at the time, that Defense Counsel would urge any objection they might have later. They are received now only provisionally. It is expected that the Tribunal will recess at the close of this afternoon's session until Monday, January 27, 1947. At that time Defense Counsel may urge their objections.

MR. SERVATIUS: Mr. President, we will be working on the documents during the adjournment. We shall be at a disadvantage since we shall not be in a position to know what the documents contain. We will not know whether they are finally admitted or not.

THE PRESIDENT: The documents will not be finally admitted until counsel for the defense have had an opportunity to object to them. I understand Defense Counsel will be furnished with copies of these documents.

MR. JO HANBY: I will again continue to read from the affidavit which is Prosecution's Exhibit 636.

"On 1 April 1935 I joined the NS AP and held party number 1706063; in 1936 I became a member of the NSV. Early in 1941 I was drafted into the Wehrmacht in the Grenadier Replacement Unit 588 in Elberfeld but after three weeks was again classified as deferred. On December 1, 1943, I was again taken into the Infantry Replacement Unit 488 in Hannover; in February 1944 I came to the Medical Replacement Unit 11, in Buckeburg and from there was summoned by teletype in March 1944 to the Reich Chancellery and had to report there to Herr von Saenger. My last rank in the army was that of Medical Soldier (Sanitätsoldat.) From May 1944 till the entry of the American troops, I worked in the Mental Rehabilitation Institution (Heilberziehungsanstalt) Kalmenhof in Idstein. During this time I was Chief Medical Officer of the abovementioned institution. In my capacity as Chief Medical Officer of the Mental Rehabilitation Institution Kalmenhof, as well as expert for the Reich Committee for Research

on Hereditary Diseases and Constitutional Susceptibility to Severe Diseases as well as my professional connection with Herr von Hegenor, I am in a position to make the following statement:

"3) In March 1944 I was summoned by teletype to the Reich Chancellery and had to report there to Herr von Hegenor. Herr von Hegenor informed me about the so-called 'Euthanasia Program' and swore me to silence about it. It was made absolutely clear to me that the Euthanasia Program was carried out along two separate lines, namely, the killing of mentally ill adults who were unfit for work on the one hand, and the killing of mentally inferior and asocial children on the other. I heard the name of Professor Dr. Carl Brandt for the first time in this connection. It was made clear to me that Brandt was one of the leading personalities of the entire Euthanasia Program.

"3) I know for sure that the Euthanasia Program for children was carried on until six weeks before the Americans marched in."

This affidavit is signed by Herman Weese.

MR. STEVATHUS: Mr. President, I should like to reserve the right to cross-examine that witness, that is, I should like to reserve that right for Carl Brandt.

THE PRESIDENT: The prosecution will make available in court the Affiant, Hermann Weese, M.D., if possible, in due time, when the defense case is over.

MR. MC HANEY: Defense Counsel will file an appropriate application?

THE PRESIDENT: The Defense Counsel will file such an application. They will request that the witness will be called for cross-examination.

At this time the Tribunal will recess until Monday morning, January 27 at nine-thirty o'clock. This recess is taken in order that the defendants may have suitable time within which to prepare their defense. During the coming week, Defense Counsel will advise the Tribunal as to whether or not they have agreed upon the time to be allocated to each counsel for the purpose of making his opening statement. Defense counsel will be allowed two days to make their opening statements.



If Defense Counsel cannot agree upon the allocation of time, the Tribunal will be allocate the time when the Tribunal re-convenes on Monday morning, January 27.

The Prosecution will continue its case until it is completed; the Defense Counsel will open. Are there any questions on the part of anyone?

I would like to ask the Prosecution how long it anticipates it will take to close after the Tribunal re-convenes?

MR. MC HANEY: If the Tribunal please, I am quite sure that it will not take more than one trial day. I might state briefly what we have to do before we close our case. We have to present three documents with respect to additional proof on membership of the defendants charged in Count IV.

THE PRESIDENT: I was merely asking counsel for a general statement. Prosecution will not be limited. I desire that Tribunal and Defense Counsel have a general idea as to what to expect.

MR. MC HANEY: The only difficulty is the length of cross-examination of the Leibrand, Professor Leibrand. I do not think direct examination will take more than an hour or an hour and a half. I am unable to say how long Defense Counsel plan to cross-examine Professor Leibrand. Except for that open problem, I should think we sort only should finish on Monday.

DR. EDWARDS: Mr. President, I have only a technical question in connection with the translation. The Document Book which we want to submit must be delivered to the Translation Division in advance. In the trial before the International Military Tribunal, this took from five to six days. That would mean that approximately on the 22nd or 23rd, we would have to submit all documents which we want to submit in evidence. The adjournment cannot be used to advantage for the Defense.

The next question--

THE PRESIDENT: Let me answer your first question. Would it be necessary that all documents to be offered by all the defendants be submitted at that time?

DR. EDWARDS: Yes.

THE PRESIDENT: The defendants will naturally present their cases separately. Could not the documents which will be required later be submitted later?

DR. SERVATIUS: The first defendants are in a greater hurry than those whose case comes up later. Of course the first defendants have the most extensive proof.

The second question, which refers to everyone, is whether statements and briefs have to be submitted for translation so they can be read by the interpreters, and will be available in writing before the member of the Tribunal.

THE PRESIDENT: Do I understand that before the International Military Tribunal, the preliminary statements of counsel for the defendants were translated before they were delivered before the Tribunal?

DR. SERVATIUS: According to the Charter, such opening statements were inadmissible. At that time, it only referred to document books and to the final plea. If this is applicable here, it would mean that the adjournment, for technical reasons, would be too short.

THE PRESIDENT: It would seem if the opening statements by Defense Counsel, will have to be translated, then that presents a new problem to this Tribunal.

DR. SERVATIUS: The Langmore Division asked me when I would submit these statements. I said it would take two or three days. It has yet to be written. It must be assembled and distributed. If Saturday and Sunday be excluded, there is not much time left, and I would have to be finished by Wednesday at the latest.

THE PRESIDENT: Has Counsel for the Prosecution any suggestion in connection with this matter?

MR. McHENEY: I should think that if Defense Counsel could prepare their opening statements, which I assume will not be too extensive, in time, and present them to the interpreters before hand, so they can become familiar with them, in order to give a coherent and logical interpretation here in court, as it is read in German; I should think it would be satisfactory for them to prepare these statements in German and then have them translated by the translation department. I should think there might be some difficulty getting them processed and ready in time. As far as getting the documents translated, I seem to have a fairly good recollection that the International Military Tribunal required something more than five days'

notice be given to the translation department. I have in mind two weeks. So that as it may, I can here and now advise defense counsel that as a practical matter they will not be able to get translations returned in five days especially if there is to be a considerable number of documents.

THE PRESIDENT: Has not the defense already submitted documents which they desire translated to the Translation Department?

MR. SERWATYUS: So far as I have been informed, no documents have yet been submitted for translation. The affidavits are not yet available and in many cases we have not yet received them. We are in many cases concerned with affidavits or short excerpts of medical literature. If altogether we had a 12-day adjournment we could well manage. We had really assumed that the prosecution would finish at the middle of this week. Then, of course, we could have managed by the 27th.

The Language Division suggested that if it were necessary they would work Saturday and Sunday so that the documents would be ready in time. If, for instance, we would start on the 29th, then we would have Wednesday, Thursday and Friday. That could be taken up with the opening statement and then the following Monday we could start with the real submission of evidence. I think that could well be managed by the defense and also by the Language Division.

MR. LEAHY: If it pleased the Tribunal, the prosecution certainly would not look with favor upon any delay beyond Monday, a week. I have stated that we will take up approximately one full trial day to close our case. It was made perfectly clear two weeks ago, at least almost that long, that this adjournment would take place and that it might be as little as one week.

The material which has been going in the last week approximately concerned 4 of the 23 defendants. I am at a loss to see any ground for further delay. These gentlemen do not have any affidavits yet. They do not have any documents yet. Quite frankly, I do not know how it is all going to match together in these next seven days but, be that as it may, I

think we should attempt to get the defense underway and see how it goes.

DR. SEWATIUS: Mr. President, my suggestion was to have two more days, that is, I ask that you start on Wednesday instead of Monday. The way it would happen would be as follows: The Prosecution would start for one day and then the defense. All we really want is an extra two days. That would give us Thursday and Friday.

THE PRESIDENT: I think it might be possible for defense counsel to be adequately prepared if the Tribunal would meet on Monday, January 27, at the closing of the case of the prosecution. Defense counsel might then be prepared to make their opening statements during the next two days. Then if further time is required for the translation of the documents, a recess of two more days could be taken at that time.

DR. SEWATIUS: That is a suggestion which is acceptable. We would prefer taking the time all at once.

THE PRESIDENT: The Tribunal understands the defense counsel would prefer the other method but the Tribunal will follow the method just outlined. You may have this assurance: If it definitely appears the defense will be prejudiced by this proceeding, they may have a further recess.

DR. GALLIE: Mr. President, I have another question. I stated that my most important witnesses are in Holland. I understood the Tribunal to say that I make application for questionnaires to be sent to Holland by way of a commissioner.

THE PRESIDENT: That matter may be taken up informally before me in my office in the morning. We will consider it and see what can be done in order to satisfy defense counsel.

The Tribunal will now recess until Monday morning, January 27, 1947.



CORRECTED COPY

Official transcript of the American Military Tribunal in the matter of the United States of America, against Karl Brandt, et al, defendants, sitting at Nurnberg, Germany, on 27 January 1947, 0930, Justice Beals presiding.

THE MARSHAL: Persons in the Court room will please find their seats.

The Honorable, the Judges of Military Tribunal 1.

Military Tribunal 1 is now in session. God save the United States of America and this honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, will you ascertain that the defendants are all present in court.

THE MARSHAL: May it please your Honors, all defendants are present in the Court room.

THE PRESIDENT: The Secretary-General will note for the record the presence of all the defendants in court.

The Tribunal this morning will recess at approximately 15 minutes after 12 o'clock and will reconvene for this afternoon's session at 2:30 o'clock.

The Tribunal having taken under advisement the admission in evidence of Prosecution's offers Number NO 1063, a document containing the results of investigations carried out in the Netherlands as to experiments and tests made by German medical practitioners on living prisoners, and the resultant War Crimes committed in the following concentration camps, this exhibit having been offered as Prosecution's Exhibit 328, and defense counsel having objected to the admission of this exhibit in evidence, the Tribunal now rules that defendant objections to the admission of this document are overruled and the document will be admitted in evidence. Defense counsel, will, of course, be permitted to argue as to the weight to be given to the matters contained in this document but it is admitted in evidence as Prosecution's Exhibit 328.

The Prosecution may proceed.

MR. MEYER: May it please the Tribunal, the Prosecution requests

that the witness, Dr. Werner Leibbrand, be summoned to the stand to testify.

THE PRESIDENT: The Marshal will summon the witness, Werner Leibbrand, to the stand.

MR. McHANEY: The examination will be conducted by Mr. Hardy.

WERNER LEIBBRAND, a witness, took the stand and testified as follows:

BY JUDGE SEBRING:

Q You will hold up your right hand and be sworn, repeating after me, I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

DIRECT EXAMINATION

BY MR. HARDY:

Q Your name is Werner Leibbrand, is it not?

A Yes.

Q You were born on 23 January 1896?

A 1896

Q Where were you born?

A In Berlin.

Q You are a German citizen?

A Yes.

Q Professor, what is your present address?

A Erlangen, Maximilian Place 2.

Q You are a doctor of medicine?

A Yes.

Q When did you receive your medical degree?

A In 1920.

Q From what university, doctor?

A Berlin.

Q Now, Doctor, will you kindly outline for the Tribunal what position you held after the completion of your medical studies in 1920, that is, outline either by year what jobs you held, what hospitals you

worked in, and so forth, up until the present day.

A. 1919 to 1920, University clinics of Berlin. 1920 to 1927, assistant medical officer and chief medical officer at the Sanatorium, Westend, Berlin, which was a psychiatric sanatorium. 1927 to 1933 I had a practice of my own in Berlin and apart from that I was one of the co-founders of the Psychiatric Welfare Institute of the Municipality of Berlin in the district Tiergarten, and partly also in the North of Berlin, at the Wedding district. 1933 I was released from all my official and semi-official positions for political reasons and racial reasons. I was removed. From 1933 on until the end of the Third Reich I first of all had my private practice and then apart from that I was doing research work on medical history and I wrote a number of important historical works. In 1943 the so-called Action Combi, affected me, that is to say, by means of the so-called civil service duty it resulted in my being posted to the municipal town hospital in Nurnberg, to the Nerve Ward, where I had to occupy a subordinate position as a medical expert. There I was forced, and this was approximately in September 1944, to escape from the arm of the Gestapo which was reaching out for me. My wife, for the same racial reasons, had to escape, and for 7 months we had no food ration cards which continued until the allied troops arrived. We were in flight and we were being pursued in the south of Germany. After the arrival of the allied troops, on the strength of my scientific qualifications I was in June 1945 called upon by the military government at Erlangen and made a director of the municipal hospital at Erlangen. The German government took over my employment and the University of Erlangen, on the 13th of May 1946, nominated me Honorary Professor for History of Medicine. That is the faculty which I am representing now, together with the work of being in charge of the municipal sanatorium.

Q. And, Doctor, at the present time you are a professor of the History of Medicine, Chief Physician of the Municipal Hospital at Erlangen University, is that correct?

A. It is not the university clinic as you said, but the Heil and  
1962

Pflegeanstalt, the sanatorium of the district government. In my capacity of a university professor I am reading medical history.

Q. Now, Doctor, you state that you have written several books. Will you kindly tell us the titles and subjects of those books.

A. The first more important work which I wrote was a medical history of the German period of romanticism, that is to say, I wrote a medical historical book covering the period 1790 to 1830. In 1939 I wrote a principal work which was the History of Medical Metaphysics beginning with the antique period, ending with our present period. In 1914 I wrote as a German the first basic and principal work about the French scientist and priest, Vincent von Paul. He was founder of the French lunatic asylum at St. Lazare. In 1945 and until 1946, I together with my students here at Erlangen, wrote a memorandum in commemoration of the 100 years existence of the lunatic asylum, at Erlangen, in order to underline the human rights of the insane. Besides that there is an ethical dialogue about the health. And then just lately I have written a shorter book about pre-Socrates medical men, that is to say, doctors who lived before Socrates time and the time of Hippocrates and Plato.



Q. In the course of this examination I shall ask you to outline in sequence for the Tribunal, the German Medical Organization prior to 1933 relative to the German Medical Association, the Hartmann Bund, professional ethics and self-practice procedure, certification and licensing of physicians, medical education and then the effect of the Nazi Government on the German Medical Organization after 1933. Now, Professor, was there a National German Medical Association prior to 1933?

A. I shall attempt to describe as briefly as possible the history of the medical profession and its organization in Germany. In Germany, even as early as the middle of the 17th Century, there were individual cases of the forming of unions of medical men, such as, for instance, the so-called Collegium Medicum or the Collegium Chirurgicum, which were organizations formed in various towns such as Schweinfurt, Bamberg, Bayreuth, and other towns; but generally speaking you can consider the personal medical officer Stieglitz at Hanover as being right in saying that the German Medical profession was one of isolation, living in retirement and rather like a spider in its web. Later on, for social and political reasons, these matters began to change. The German doctor was, of course, originally living, shall we say, dependant upon the absolutistic order of the State. Consequently, the German medical profession was sub-divided into different classes, strictly separated from each other. For instance, there were surgeons of the first and surgeons of the second class. There were about 20 such groups of general practitioners and wound doctors who were strictly separated from the others and consequently the medical man was, in principle, dependant upon the absolute powers of the State.

There is a famous story of the year 1845, approximately, according to which a doctor in Berlin was called to a patient's bedside and that he thought, from a medical point of view, that the visit was not urgent. Half an hour later a policeman appeared at his bedside and forced him to carry out the visit to this patient. All these matters brought it about that the Western ideas of freedom, beginning with the great Revolution of 1789 and coming from France, spreading to Germany, too, particularly in the case of the medical profession, found a great deal of benevolent interest. It appears to me that from the point of

view of historic truth there is no doubt whatever that the medical profession in Germany in particular absorbed the democratic ideas of freedom and human rights with particularly great intensity. This, in order to be brief, led to unions in which the difference of classes were meant to be removed and in which surgeons, doctors, general practitioners, even the students of medicine, were meeting in so-called medical clubs; but the success of these attempts at a unification was, at least first of all, politically much impeded. That, however, was not even changed by the fact that as great a man as Rudolf Virchow, when he was a young doctor, participated in this political movement for the fight for freedom in a very active manner. He was demanding independence for the medical profession, absolute freedom for that profession, independence from all other institutions of the State, such as, for instance, the Profession of Lawyers had, and he demanded, in addition to that, an organization of its own for the medical profession which would be confined to the basis of expert knowledge and the right to issue its own laws.

The Prussian State, after the Revolution of 1848, had considered these ideas as most suspicious. That State was not at all willing to allow such demands to become successful. It impeded the corresponding applications made by this freedom movement and only in 1873 did success come to Dr. Richter in Bresden to unify the existing doctors' clubs, numbering 111, in one great union. That was the German Medical Doctors' Union and that Union, until the Third Reich, continued to exist and it was only in 1936 that Conti dissolved it.

Q. Well, witness, you say that the National German Medical Association was formed in the early 1870's, which tied together all the old local medical associations, is that correct?

A. Yes.

Q. If I understand correctly, the nature of this organization was democratic and its interests included problems of hygiene and public health, is that correct?

A. Yes.

Q. Now what was its express purpose -- what was the purpose for forming this organization? Was it to improve public health and hygiene, to foster

medical education and science — is that a correct assumption, Professor?

A. Yes. First of all there was an attempt to shape a union according to the example of the Lawyer's Union, in order to maintain the moral liberty of the medical profession. Lawyers were used as an example for that, and then there was discussion about the social demands of hygiene which, after all the attacks of the industrialization of the 19th century, and considering its rapid development, demanded very considerable steps, both on the part of the doctors and also for poor patients and the general grain proletariat, in the sense of hygiene.

Q. Professor, are you familiar with the organizations known as the American Medical Association and the British Medical Association?

A. Oh yes.

Q. Are these organizations similar and comparable in purpose to the German Medical Association?

A. That is not to be expressed as simply and straightforward as all that. Principally speaking, in America historical developments were different. I mean by that the development from the pioneer doctor, the craftsman of the old days of the 18th century until the formation of the State was in existence. It is for that reason that the medical profession in the United States developed somewhat differently. I mean because the social revolutionary trend such as was in existence among doctors in Germany after their liberation from absolute suppression to a free democracy in 1848, whereas no such development occurred in the United States. But there are certain boundaries to the history of the medical profession in the States, too. The German Doctors' Union which I have mentioned can, up to a point, be compared with the formation founded in 1847 in Philadelphia, which was called the American Medical Association, which on the other hand, later on, and today, bear a different character, such as the one which is shown by the joint organization of medical officers in Chicago today, which simultaneously issues the most important literary periodicals. That is a development which we in Germany did not experience.

Q. Now, Professor, what happened to this National German Medical



Association in 1933? Did it continue to exist in practice or merely in theory? Did the Nazi Government have any influence upon it?

A. No.

Q. Then there was complete disruption among the members of the Medical Association in the advent of the Nazis, is that correct?

A. The German Doctors' Union and the so-called Hartmann Union, which I must mention yet, was, either on the 1st of April 1933 or just a few days later, dealt with by Dr. Gerhard Wagner, who was appointed State Commissar and coordinated with the so-called National Socialist leadership principles; that is to say, the liberal state development of that union and the Hartmann Union ceased in the course of the general co-ordination (gleichschaltung) under the leadership principle. -- ceased to exist as an independent liberal organization of the German Medical Profession.

Q. Professor, what was the Hartmann Bund and why was it organized?

A. Owing to Bismarck's law of insurance issued in 1882-1883, rather contrary to the development in the United States, the health insurance system developed in Germany. This health insurance system produced a most severe social revolutionary disturbance among the health insurance organizations on one side and doctors and their organizations on the other side. The result was that the very powerful health insurance companies were bullying, socially speaking, the medical profession in Germany and exposing them to a certain amount of a crisis. I shall not go into these facts which ensued in detail because it would be a lengthy story, but the final outcome, from the point of view of organization, was the foundation of a union for the taking care of the economic interests of doctors in Germany by means of the very successful and hard-fighting Dr. Hartmann, so that that union then was named after him, Dr. Hartmann, or Doctors Union, and it was founded in 1900. Once again, it continued to exist until 1933 and once again the Leadership Principles of the State Commissar, Gerhard Wagner, resulted in its being dissolved.

Q. Professor, how were matters of professional ethics and mal-practice considered and settled prior to 1933?

A. To begin with, even in the unions and clubs which I have mentioned,



there were naturally certain general ethical and medical principles which, in the Medical Society of Berlin and its predecessors, during Albrecht von Graef's time, led to a special Council of Honor. But the professional ethic was not brought into being until, by law, in 1867, the medical chambers were put on a legal basis and when, in 1899, the so-called Courts of Honor for doctors, with their own disciplinary system were being introduced, they had a Chamber of Appeal, too. It was the so-called Court of Honor and in both these disciplinary instances there was one legally trained judicial official. The disciplinary punishments of these Courts of Honor, and this is important from the historical point of view, consisted of the following measures which could be introduced: first of all, monetary fines; secondly, reprimand; and thirdly withdrawal of the active and passive right to vote. These disciplinary courts on the other hand, before 1933 at any rate, did not include questions of a general moral nature, which were matters for the Penal Courts to deal with, and most certainly not religious questions and not political questions.

Q How were these matters of professional ethics and malpractice considered and settled after 1933?

A This question can be answered on the basis of a statement of the ethical change in the medical profession. The doctor, who for thousands of years, even before the Christian era, had the duty of treating the individual patient to the best of his ability; this doctor was now made a biological state officer by the National Socialist system. This is, he no longer decided according to the ethical principals of pre-Christianity and the pre-Christian world in the interests of the individual patient, but he was the agent of a class of leaders who did not concern themselves with the individual, but considered the individual only as an expression of the maintenance of fictitious biological developments of racial ideas and thus tore the heart out of the medical profession. The doctor, who has no primary interest in the patient, who only gives out orders on behalf of a fictitious collective economy, according to the law of the Hippocratic oath, is not a doctor.

Q Professor, were the medical societies prior to 1933, representing the various specialties, such as internal medicine, surgery, obstetrics, gynecology, dermatology, pathology, physiology, etc., as are found in other countries?

A There were in Germany various medical associations, which one must organize first and there were some professional organizations. These had scientific interests and they discussed the practical questions of medical science. In addition, there were purely scientific organizations of a highly scientific state and high international reputation, such as the Berlin Medical Association, the Chemnitz Association, the Fatherland Association in Silesia and the Specialist Scientific Associations for the various specialists. These associations originally, that is in the 1850's and 1860's of the past century, relied upon professional politics, but in the last decade they withdrew from these politics and essentially devoted themselves to international science.

Q What happened to these various medical societies after 1933, were they disbanded?

A They were not disbanded, but their contents changed. The scientific societies, which I have just mentioned, continued to hold meetings until the last years of the war and within the limits and scope of their possibilities continued to do good work, which could have been possible if a free scientific opinion could have been expressed in these societies, but could not trust one's neighbor. One belonged to the SS, another belonged to the SA and a third might be a spy. Above all, there were a number of scientific subjects, which could not be touched upon at all, because they were too dangerous. However, one could not say if one accepted these subjects. All remained at a low level, but it is a matter of course that the scientist, who was accustomed to serve the cause of trust sincerely, had to lose interest in participation in these societies and consequently in any special field, the attendance at these meetings was reduced in the course of the years.

Q Professor, how were physicians licensed before and during the Nazi administration?

A Before 1933, the medical licensing of doctors corresponded to a ruling which applied since before 1878; that is after graduating from a secondary school there were premedical studies and an examination after five semesters for the so-called Tentamen physician, the Tentamen physician was introduced instead of the Tentamen Philosophicum, which had been used before. The Tentamen physician dealt with medical science, antisepsis, chemicals, zoology, etc. After having passed this examination, the candidate went into the clinical semesters. He went for five semesters and then passed the state examination. After he passed the state medical examination, he became a medical practitioner for one year. After that period, he was licensed as a physician by the Ministry of the Interior and now he could take the Doctor's examination. The Doctor's examination could be taken only after this period.

Q How was this medical education and training influenced by the Nazi administration?

A The big structure, which I have just described, did not change essentially after 1933, that is the Physician was divided into two parts for a while

but otherwise the duties remained the same. It seems to me, however, to be somewhat synonymous that from the very beginning, after 1933, an attempt was made to shorten the medical studies and for a very characteristic reason the students would be permitted to marry as quickly as possible. The so-called young marriage was encouraged at the expense of scientific studies; and that is very typical. At the same time, subjects were introduced into the state examinations, such as racial hygiene and hereditary psychology. Also the history of medicine was introduced, but not for purely scientific reasons, but because instructions in medical history were, of course, a fertile field for propaganda in order to indoctrinate the students with typical National Socialist ideas. There was another very important change in the first semester, there was an organization, the National Socialist League of Students, a group called National Health or Popular Health. Its purpose was in the first two or three semesters to determine the suitability of the medical students from an ideologic point of view and reports were made. After two or three semesters, the students would be advised that he was suited or unsuited.



Also there was an essential technical change in the university holidays, which helped the student to digest what he had learned during the course of the year, but duties of the students to participate in work in the country in agriculture and later in factories. Each one included Hitler youth and Service, and S. A. Service and other duties. All these activities did not help to promote scientific studies. But I will not counsel the fact that of course there were other things, those were the arrangements such as for example the fact that the students were exchanged and spent time there before beginning their studies to take a course in practical nursing, and that other similar students were obliged to work for the Red Cross.

Q Now, Professor, how did the agitation of National Socialism prior to the Third Reich influence physicians' organizations?

A Before 1933 which has not been mentioned yet, and consequently it must be explained, there were political medical organizations. First, the Union of Social Democratic doctors; that was an organization predominately of Socialist Colleagues of a medical class and character, the aim of which was to promote social hygiene among the working class to extend the work of the health officials to hold popular medical lectures. This group was directed by Dr. Kollwitz, the husband of the famous German sculptor, Käthe Kollwitz, who was famous for her statues of proletarian life. The more radical organization, which was the Socialist League of doctors, the purpose of this League was ideology. The Socialist Democratic and the Marxist doctors, who were doctors with Socialistic ideals who were independent of any party affiliation, but who believed in Socialist development, they were to be included in this League. The head of this organization was the psychoanalyst, Dr. Simmel, who later emigrated to America, as well as a colleague who had practical experience on hygiene in Russia, whose name was Lothar Wolff. Unfortunately, it must be said historically that this association in the last years before 1933, carried out the struggle between the S.P.D. and K.P.D., the Socialist and Communist parties, and that in this struggle they overlooked one thing, that the danger came from a different side, from

27 Jan 47-M-MAA-4-1-Maloy (MB)  
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National Socialism.

In 1929 at a Nurnberg party rally, the National Socialist League  
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Physicians was founded, which in 1933 became an executive force of the NSDAP, and assumed the work of terror against doctors with other ideas.

Q Who was the leading character or personality of that organization?

A The later State Secretary, Dr. Leonardo Conti.

Q What did this all lead to in Berlin on April 1, 1933, after the establishment of the Third Reich?

A On the 1st of April 1933, I unfortunately was obliged to experience the horrors in Berlin, which is the greatest disgrace of the medical profession which I have been obliged to witness in my life. I had to see colleagues supply their own cars in order to have Socialist doctors and Jewish colleagues pulled out of their beds in the morning, mistreated, taken to an open space near the Lehrter Station, and the Nationalist Socialist colleagues, together with the S. A. men in uniform had the doctors when they had arrested run around as if in a hippodrome. They laughed about this. Old men of 70 and even older were running around with their tongues hanging out, because they were threatened with revolvers, because they were hit with sticks and because there were shots now and then. They were left without any cars. Some of them stayed for 24 or 48 hours, and were then sent home, but many of them were sent to the notorious S. A. Cellars in Hedden Strasse. They returned home after sometime physically and spiritually broken.

Q Did I understand you to say, Professor, that medical men were taken out of their beds in this manner by other medical men?

A It is unfortunately true. And a few days before the first of April it happened that Jewish colleagues under the pretext that they were being called for consultation were called for in cars which they did not know, were taken to the woods, thrown out of the cars and left there bleeding.

Q Now, Professor, prior to 1933 did you in the medical profession believe that Nazism would lead to the disorganization and downfall of the two medical organizations?

A Of course there were such doctors, for the terror originated from the small group at that time. The majority of the doctors realized that this development had to lead to a reduction of the level of morality.

Q Could a physician conduct any insurance practice if he did not belong to the Nazi medical society?

A Yes, he could.

Q Was it possible for the Jewish physician to practice medicine under the Nazis?

A The Jewish doctors were at first not seriously restricted purposely; if they were War veterans of 1914 they could remain insurance physicians. At first only those who were not war veterans were eliminated from insurance work, and those doctors were eliminated who belonged to the Socialist League of Physicians which I have described, and because it was a Pacifist organization. For example, that was the reason why I was eliminated in 1933, because I was a Pacifist and had belonged to the Socialist League of Physicians. But those restrictions later became of a more and more terroristic nature. After the famous November 1938 the Jews were no longer admitted, no longer licensed. The Jews were no longer doctors, they became healers of the sick, Krankenbeschandler. They had to have a sign, a yellow sign with a Star of David on it.



Of course, in view of the basic anti-Semitic terrorism, these signs made these people prey. Of course, the Jewish doctors, as the terror against the Jews increased, were impoverished. The doctors were not able to live from their practice. In about, as far as I recall, about 1941 there was a further disgrace for all Jewish citizens of our country. According to the name regulation they had to add the name Sarah or Israel to their name. These names also had to appear on their signs. Then the whole thing deteriorated more and more. These external regulations were not the only thing which affected the lives of the Jewish doctors. They were exposed to constant terroristic actions. From about 1942 on their lives were in serious danger. A person was taken here; a person was taken there; someone disappeared here and finally the colleagues were not seen again because they had been taken away to the East, partly with the pretext that they were to be used as doctors there. And many of these colleagues, many of my own friends, were never heard of again. They are presumably dead.

Q. Doctor, are you yourself Jewish?

A. No, but my wife, and consequently I, was subject to the Nuremberg Laws.

Q. Now, doctor, what happened to the Jewish patients as a result of this purge on the Jewish doctors?

A. The Jewish patients could theoretically in the first years be treated by so-called Aryan doctors. One must, of course, understand that doctors courageous enough to continue to treat Jewish patients could be denounced and that they were terrorized by the National Socialist doctors, but then by special order of the Chamber of Physicians the treatment of Jews was forbidden. This was camouflaged with a humanitarian explanation. It was said the Jewish practitioners must be guaranteed a certain clientele and with such reasons an attempt was made to whitewash these things. It now became very difficult for those Jewish patients who needed hospital treatment, for in small cities there were no Jewish hospitals. In Berlin there was still the famous Jewish hospital which had a very high reputation, but what were conditions like in this hospital? It became more and more a

transit station for those who were carried off to an uncertain fate. It was emptied of instruments, of medicines, and also it was inadequate.

For a time it was still tolerated that Jewish patients, if they took first class accommodations, could be taken into a private sanatorium if, of course, they took their meals in their rooms because the Aryan patients could not be expected, as it said, to eat their meals together with the Jewish patients. But finally that too became intolerable and was forbidden.

There were special difficulties in dealing with insane Jews. It was almost impossible to find a hospital to put them in and there were only a very few courageous owners of sanatoriums who attempted to accept such patients. There were a number of denominational hospitals, especially Catholic clinics, which accepted Jewish patients under false names and took care of them very well.

Q. What was the Speer organization and how was it related to physicians who were called foreigners or alleged to have mixed blood?

A. This action was called Action Center. It was the following: About in the summer of 1943 in Berlin a special drive under the pretext of the so-called civil service obligation, foreign doctors and especially after the Jewish doctors had largely disappeared, the Aryan doctors who were married to Jews and the so-called Mischlinge - that is, persons of mixed blood - they were removed from Berlin by order of the Main Health Office, together with the Ministry of the Interior, by force. By force, for one must not forget that at that time there was an enormous scarcity of doctors; that all these doctors were working from early morning until late at night during the air raids; that many of them were working at hospitals; that many of them had enormous practices and these practices and this work had to be given up within two or three days. They had to take various subaltern positions. I may give the example of my own case because it shows the thing very well. I also had a large practice. I worked as a consultant at a Catholic hospital and I had to give up all this work within a few days and was sent to Munich to the Provincial Chamber of Physicians there. There I was treated in a

very unfriendly way, to put it mildly. That is, in a discriminatory way. I was told that I had to go to the Ministry of the Interior and they would tell me where I was to be sent. The Ministry of the Interior represented, so to speak, the juristic arm of this operation. There was the man in Munich who dealt with these things, a Ministerial Director Jaeger, a medical advisor, Ministerialrat Schmidt. These ordered my appointment as a so-called *var* assistant physician at the Nuernberg hospital in the nerve clinic. It was noticeable that the man for whom I worked there was a very convinced National Socialist and that of course, since he knew from my record that I was married to a Jew and that I was anything but a National Socialist, that such a chief had to consider me suspicious, and he did.

I do not want to mention things which still have to be shown my evidence. I merely want to describe the final result. The attention of the Gestapo was called to me and as a result I had to flee in September of '45. I describe this case only because it is one of many.

And now to come back to the Action Center. This was another step to destroy people in my category; that is, about January 1945/<sup>we</sup>were disqualified as doctors and we were given special positions in the Organization Speer as laborers. I have heard that some of these colleagues succeeded in being assigned to some sort of medical service but according to the regulation these doctors, including foreigners, were to be used for common labor in the Organization Speer. That was the purpose of the Action Center.

Q. Was the Action Conti connected with these actions Hitler and Speer?

A. It is not quite clear to me from the organizational point of view. The Action Conti, that is, taking the doctors out of their activity and putting them in subaltern positions, this Action Conti went through the Ministry of the Interior, for the man in the Berlin Ministry of the Interior who was in charge of this matter was a certain Oberfeldarzt Dr. Bernhardt. This Dr. Bernhardt was a Wehrmacht medical officer, supposed to be a Wehrmacht medical officer, but actually he was an executive member of the Party who worked for the Ministry of the Interior and carried out this Conti action.

Q. This Action Conti was the one that started early in 1943, which



instigated and directed persecution of doctors who were either foreigners or persons of the so-called mixed blood and also those related by marriage to Jews. Is that correct, Professor?

A. Yes. It must be emphasized from the sociological point of view that removal of an Aryan, formerly head of a family, from his family meant or could mean a death sentence for his wife. One must realize that the wife, as a Jew, had no right to follow her husband to his new position. She had no permission to travel. She could not leave her home, but on the other hand, under the terror which prevailed at that time she did not claim welfare which might have been due her, so that in effect the Jewish marriage partner who was now isolated might expect new measures which might mean, and this did happen, that such members of mixed marriages were sent to the concentration camp at Theresienstadt. One can imagine with what feelings and with what concentration such an Aryan doctor worked in his subaltern position.

Q. Professor, you have stated that the Health Department came under the Ministry of the Interior. Now when the Ministry of the Interior under Frick assumed control of the Health Department, what action did he take regarding reorganization and so forth?

A. We have two historical phases. We have a transition phase from 1933 until about 1935. That was the period of the so-called State Commissariat of Gerhardt Wagner. At that time already Mr. Conti became state secretary in the Ministry of the Interior of Mr. Frick. Conti now through Ministerial Director Guett established Section 4 in the Ministry of the Interior. This organization under the leadership principle included the whole medical profession down to the most insignificant doctor in the following way: The Reich Health Office of Mr. Reiter which had existed for sixty years was incorporated to the Ministry of the Interior. The German Red Cross, which in 1934 had the honor of being put under the protection of Adolf Hitler, was in 1937 attached by law to the Ministry of the Interior.



The third organization was a big racial office. On the other hand, the so-called Reich Committee for Public Health developed from this office. Four: This had two subsections again. One was essentially a propagandistic racial factor where people worked such as Lemme, Rutke, who wrote on hereditary biology, etc., and, second, the big organization of public health. Then there developed from the Ministry of the Interior through the Ober Regierungspräsidenten, Governor, etc., the health offices. Therefore, it is clear that the health offices received their direct instructions through these officers from the Ministry of the Interior, and the health officers were in charge of all social hygiene care with the emphasis on the racial element.

There was also a certain connection with the Reich Labor Ministry, and then from the Reich Labor Ministry there was a connection through the provincial and Reich Insurance organizations to the medical inspections. That is more or less the central organization which State Secretary Conti administered through Ministerial Director Gunt in Section Four. And I must not forget this part: there were also subsidiary connections to the extra health office, and I call it that of Mr. Ley or the Committee for Health Service of the NSDAP and its subsections, the National Socialist League of Physicians which obtained more and more executive power in the Party and two other organizations such as the Hitler Youth and the Reich Labor Service. All these threads came together and were centralized in the Ministry of the Interior.

I should, therefore, like to sum up once more on what keyboard Mr. Conti played. Mr. Conti was, first of all, State Secretary in the Ministry of the Interior. He was, second, Reich physicians leader; that is, he represented the Reich Chamber of Physicians. Third, he was the Chief of the Public Health Office of the NSDAP, and, consequently, there was not a single medical question which did not reach Mr. Conti in one form or another and which he did not regulate; and I know the special position which Mr. Brandt held from about 1940 on, I believe. Mr. Brandt was a sort of intermediary physician between the Wehrmacht and the civilian health. His position was legalized by his receiving instructions from the Fuehrer, Adolph Hitler, personally.

Q Now you have stated, Professor, that Dr. Conti was Reichsarzt-lehrer. Now would you say that all physicians in Germany except those in military duty were subordinate to Conti?

A With the exception of the Wehrmacht and the SS, yes. Yes. Otherwise they were all under Conti.

Q How did Conti control medical meetings and bring pressure to bear on physicians to join the Nazi Party, the SA and the SS?

A Conti, of course, in his position had the opportunity to play on all organizational instruments. Above all, he could use the newspapers in a propagandistic sense, and he did so. He issued a number of proclamations in the German Medical Weekly, and he also used the Berlin Medical Association for that purpose if he had certain political things to put through. For example, I may mention one very important point, I believe, about 1942. I said at the beginning of my testimony that the German Medical Profession as a democratic development was in favor of the liberal principle, and it was very funny after the whole medical profession had been put under the terroristic compulsion of the yeshuv principle that suddenly in 1942 Conti apparently became afraid that the medical profession might be completely socialized. As far as I can recall, there was an effort in this direction from Ley. Another was a struggle between Ley and Conti, and Conti in a memorable speech in the Berlin Medical Association appealed to the colleagues present there that they should remember the old ideas of freedom at the time of Albrecht von Graefe and maintain the freedom of the medical profession so that the medical profession might not be completely socialized. I mention this example only in order to show that Conti had the opportunity of playing on all instruments of this marionette machine, to play wherever he felt it necessary.

Q Do you know the name--

THE PRESIDENT: The Tribunal will now be in recess for a few moments.

(Recess)

BY MR. HOFY:

Q Professor, do you know the name "Professor Dr. Kurt Blome?"

A Yes.

Q What was the relation of Blome to Conti?

A Blome at first was the leader of the medical educational system in the Third Reich and then he became the representative of Conti in his capacity as Reich Leader of Physicians.

Q Witness, you have stated that the German Red Cross eventually came under the direction of the Ministry of the Interior. Can you tell us what was the relation of the German Red Cross to the Nazi Party and the SS?

A The German Red Cross was developed in the sense of the General National Socialist attitude and coordinated in that manner. As I have mentioned before, in 1934, under the leadership of Adolf Hitler it was coordinated first. It then further had connections with the Wehrmacht. As far as I remember, General Hornemann played a role with reference to the connection with the Wehrmacht. Then approximately in 1942 something new happened. The SS physician, Dr. Grawitz, became at the same time the managing president of the German Red Cross and that for the following reason, obviously it was attempted to coordinate the entire German Red Cross under the sovereignty of the SS even in an organizational basis. I should like to recall the following event as an example. Dr. Grawitz sent the SS physician Kimmel to Vienna and ordered him to take over the German Red Cross Hospital von Billrodt and also the leadership of the Red Cross Nursing Organization of the von Billrodt Hospital which meant in effect that Grawitz, as an SS physician, in his capacity as President of the German Red Cross in 1942 could penetrate organizationally into that affair and thereby bring the German Red

Cross under the SS sovereignty. To what extent Grawitz succeeded doing so, I don't know. I only remember one more thing. I remember that there were a number of chief physicians of the hospitals of the German Red Cross who really were not Nazis in the Party sense and who being afraid that since the Red Cross was subordinated to the SS, quickly joined the Party and they believed that in that manner they could escape any harm.

Q Did not the defendant Dr. Karl Gebhardt succeed Grawitz as President of the Red Cross?

A I found too literal basis for that.

Q Did one have to be a member of the Nazi Party in order to work for the Red Cross, as they did, if they wanted to work for the German Government?

A No.

Q Then, you stated that the doctors who were working in the Red Cross immediately became members of the Nazi Party so as to be in an advantageous position; is that correct?

A I said that only in reference to the machinations of Grawitz, of 1942, and I refer to one concrete case, something that I know from my acquaintance, where one colleague of mine joined the Party in order to safeguard his position as chief physician and avoid being exchanged by an SS physician.

Q Do you know, Professor, of any medical organization or organizations dealing with health and hygiene and public welfare that was not under the domination of the Nazi Party or the SS?

A In the same sense, as everybody was under the leadership of Goebbels, every medical matter, in order to express myself generally, was mastered by the directive of the NSDAP.

Q Have you ever heard of the Fuehrer School of German Physicians at Altheim in Mecklenburg?

A We are concerned with the Fuehrer School Altheim in



Mecklenburg. According to my estimation, it was created in 1935 under the leadership of the defendant Blome. Its purpose was to indoctrinate the young physicians in the National Socialist ideology and, as far as I know, this was done during an educational course in the camp in the same way as it was practiced or in the same way as it was demanded of the university lecturers.

Q. Was this course in the Fuehrer School of German Physicians finally compulsory for all young medical students?

A. I am not very clear about that. I am not sure whether or not it was compulsory. I made the acquaintance of a number of young physicians whom I asked about that matter and who told me that they weren't there.

Q. Now, was it possible for the young physician to read and attend scientific meetings, do research work to improve his medical skill and scholarship under the Nazi regime as well as formerly?

A. That, of course, was impossible for the reasons which I had mentioned before and it became very difficult from a medical point of view. The young medical student had to have much backbone and had to be courageous if he really wanted to live only for the completion of his medical education. The many duties in the mentioned Party organization, and the fact that his vacation time could not be used for the completion of his education, all these matters naturally made the theoretical life of the man who studied, the literary possibilities, that is to say, the reading of the periodicals that of course was still something that was possible for him.

Q. Did the medical students have to belong to Party Organizations?

A. Concretely they did not have to belong but the case was

that whoever did not belong to the National Socialist League of Students was considered a suspect and if a student belonged to no organization whatever and then had the intention to make the State exam he often had no alternative but to join that league. In cases where he may have been known as anti-National Socialist, he tried very quickly to enter one such organization, be it the NSLK or some female association, otherwise the admission to the exam would have been made very difficult for him.

Q Did the medical students have to pass an examination on racial theories and the Nurnberg Laws as well as on medical knowledge?

A Part of the examination curriculum was the knowledge of racial and hereditary science, and within that order the Nurnberg Laws were also examined. Very often these laws had to be known by heart, and whoever did not know the laws was quite of not passing.

Q Professor, to what extent was it necessary to belong to the Nazi Party in order to be a professor in any medical school?

A It is necessary here to discuss the change of the so-called order of habilitation in the Third Reich. Before 1933 every scientifically talented scientist could by making a thesis, a so-called colloquium, and a lecturer could be admitted to the practice of a private lecturer. The private lecturer was called such for the reason that he was not considered a civil servant; he was just a private lecturer who exercised the so-called Wende Legend, and who remained such until his promotion to a position as a professor. The Third Reich changed this order in the following points: Starting from 1934 the Ministry of Education demanded that as many people as possible should habilitate themselves. For that reason, the so-called Dr. Habil was created. A physiological Wundtstrosity, called Dr. Habil--it was something like that. This Dr. Habil did not oblige one for anything. From the reserve of these doctors there was a selection made according to the political point of view of those lecturers, those who would comply with the National Socialist ideas, and who were considered qualified as university lecturers. The technique of that selection was a far-branched spy system. There was the leader of the lecturers and who had to be a Nazi. This leader of the lecturers employed a number of spies in the faculty, who had to see to it, and watch whether those to be selected were really good Nazis. Those who were selected were sent to this camp for a few weeks. The leader of such a camp for lecturers was usually a person of little education. I know for instance, one of these leaders of those lecturer camps was a shoemaker to whom was attached a professor. In this camp, and this is a well known fact, there reigned the system of the so-called "Agent

27 Jan 47-M-FJC-8-1-Beard (MB)  
Court No. 1.

Provocateur"; that is to say, in this camp people were distributed so as to insult the Third Reich, and if somebody responded to that insult the fact was noted down, and this list was kept. After their period



in the camp was served, this list was given to the leader of the camp, and he then decided which of the young lecturers were worthy in the sense of National Socialism to become qualified teachers of the youth. He then sent on this report to the Ministerial Advisor in the Reich Ministry of Education, which was the late Marburg Gynecologist, Dr. Brack, and then the notorious Euthanasia psychiatrist Dr. Degridis.

Q Did the lay Nazi leaders ever interfere with university and medical educational policies?

A This question must also be characterized with a few words. The relation of the National Socialism to medicine was very close. Since, however they did not dare admit this fact in public, and in order not to insult the so-called educated medical physicians, the organization of the so-called Heilpraktiker system was formed. This meant that the bunglers could organize themselves, and were no longer called bunglers, but called Heilpraktiker's, and as such they were listed and the list was given to the Public Health Office, and after a certain educational period were allowed to practice. But, beyond that, there was yet another institution. A new special institution was introduced; that is, the physician for natural sciences was subordinated to the Reich Chamber of Physicians. Although he was not required to go through a medical institute in the academic sense, he only had to have two years of education in the sense of natural sciences. It is not understandable that such an organization was considered sufficient, even when it was subordinated by the Leader of the State. And, I only like to recall the name of Hess. It is impossible to understand how these people could qualify to enter the medical science; but, of course, there were the so-called transition types-- there was the educated medical man who started connections with this natural science, and I mention the name of Professor Bruch. There were very serious controversies with academic physicians who protested against this interference, and I only want to mention one practical example, Mr. Praker at one time maintained, and that was rather late, approximately 1942, that by way of natural science he could cure syphilis, and a strong controversy on the part of Dermatologist Spiethof ensued, and he was finally had to give into Praker. Hess, was one of these persons who supervised the so-called protective system over these natural science theory.

and, only after he left for England action was started against this so-called Heilpraktiker. They were partly arrested since some political connections were suspected. It is further known that a man like Streicher issued a periodical, I think it was called something like "Public Health", and Streicher, of course, was strongly interested in medical matters, and who did not shy away in his criticism to discuss medical problems with educated physicians. It was clear, considering the terroristic regime which Streicher exercised, that a number of people helped him. Things like that became known in Erlangen because of the connections that Streicher had with the Gynecologist, Professor Tintzen So, I summarized again the question that the academic medical science had continuous interference through propagandistic and political tracts, and that it was very difficult to defend one's self against these interferences since there was a number of schooled physicians who were in a business connection with these people.

Q Professor, are you familiar with a book written in German by Prof. Dr. Moll on the ethical code, published first in 1902?

A I know that book; as a medical historian, I know it very well.

Q Was not Prof. Moll considered to be an international authority on medical ethics and jurisprudence and highly regarded in his time by the German medical profession?

A Moll was a very well-known man internationally and was a Berlin nerve specialist.

Q Now, in this book, in this code, did he not warn against the adoption of the philosophy of Nietzsche by the medical profession?

A In the book about ethics by Moll which was written in 1902, there is a chapter about experiments on human beings conducted by physicians. It is stated there that unfortunately in the 19th century a number of experiments were carried out on human beings by physicians. Moll speaks about reviewing approximately six hundred theses where more than a thousand cases of the entire international world became known; and at the end of these theses he warns the medical world of such experimental immorality; and in accordance with this positive attitude, the only thing that he states is the following: Every person confronted with such a theoretical possibility should consider whether he would subject his own relatives and members of his family in such a manner. He designates the experiments which he described in his book as the consequence of a misunderstood Nietzsche.

Q Then Moll did point out that the trust of a patient in the moral integrity of his physician placed a great responsibility on the physician to conduct himself so as not to harm the patient; isn't that correct?

A Yes.

Q Now, did he not point out that scientific curiosity tempted the physician to experiment without the consent of the patient?

A Yes.

Q Then did he strongly warn the physician not to experiment on a patient without the consent of the patient?

A Yes.

Q Now, Professor, you spoke of Dr. Guett, Dr. Arthur Guett. Now, was he the first member of the Nazi Party to introduce Nazi doctrines and practices into the field of medicine and public health?

A I assume that you are speaking about Guett; and would you please put that question again, using that name?

Q Was Dr. Guett the first member of the Nazi Party to introduce Nazi doctrines and practices into the field of medicine and public health?

A Guett, at any rate according to his own writing, something that can be proved, belonged to those first National Socialist Party members. In his short writing about the organizational system of the National Socialistic public health system, he states at the beginning that he, as early as in the year of 1924, as a medical representative in Berlin, laid down the principles of National Socialist medicine and that later, in 1932, he advocated and repeated these principles during a meeting in Eisenach.

Q Now, did the eventual successor of Guett, Dr. Conti, or his assistant defendant Bloch, modify any of these policies and concepts of Guett?

A May I once more clarify the relation of Brandt? Conti was state secretary in the Ministry of the Interior; Guett was Ministerial Counsellor in the Department IV which I described before, belonging to the Ministry of the Interior.

Q Did Conti then, and his assistant Bloch, carry on the introduction of the same type doctrines and policies as Guett?

A There is no doubt about the fact that starting with the first formulation of Guett until the last death of Conti and Bloch, there was much that had happened in a terroristic way. Otherwise everything that I mentioned about Action Conti and Action Hitler would have been possible.

Q Now, you stated that Dr. Guett published a book. Is that the book titled "Structure of Public Health, the Third Reich"?

A Yes, I am referring to that, and from that I quoted his own career politically.

Q Now, in this book, do you recall that Guett announced that "the ill-conceived love of thy neighbor has to disappear, especially in relation to



inferior or asocial creatures?"

A That is written in this booklet by Guett. That is one of the central National Socialist formulations of medical matters as, for instance, it was also expressed by Prof. Keetscher, who was active in Nurnberg. He wrote a book entitled "Fighting Prevention instead of Welfare." These are the thoughts which were expressed by the Nazis in the following words: "Christianity did away with nobility and substituted the equality of all human beings. National Socialism demands the racial security of substances with the right blood," and that is entirely in compliance with Guett's formulation, which dates back to 1924.

Q Does Dr. Guett's other Nazi description of inferior or asocial creatures agree with the ethics of the oath of Hippocrates?

A He meant by that something which every National Socialist meant; namely, that only the healthy biological flow of blood belonging to the Nordic race is in the interest of medical science and that everything which is outside this, everything which is outside a biological racial thought, must be considered as inferior by National Socialists.

Q Then you would say, Professor, that Guett's description of inferior social creatures is contrary to the ethics of the oath of Hippocrates? Is that right?

Q Then you would say, Professor, that Guett's description of an inferior social creature is contrary to the ethics of the oath of Hippocrates, is that right?

A It is a joke of world history that in a book about national socialist professional ethics dated in 1943, the oath of Hippocrates was cited word by word, and that there they referred to the contents of this oath, and they considered themselves obligated by that oath. It is further a joke of world history that among the defendants there is one person who wrote a book about medical ethics in which he quotes the identical principles of one of the most famous physicians of the last century. Christian Wilhelm Hufeland, and this is the defendant Mrugowsky. I have to state in this reference that the essential points of the oath of Hippocrates are that the physician is forbidden under oath to commit arbitrary injustice on his patients or to do him any harm. The conception of injustice contained in the Hippocratic oath, which is signified by the Greek word "iudicia" is one of the most important concepts - note - not of the Christian, but also of the Pre-Christian world. The health of the state in the sense of Plato is justice, and injustice which is mentioned in that Hippocratic oath, and the physician is obligated never to harm the individual, never to inflict any arbitrary harm to the individual, that is, to do him injustice. I cannot understand how this Hippocratic oath fits in the national socialist literature of 1943 and at the time when everything happened as the evidence here has shown.

Q Professor, have not the ethics of the oath of Hippocrates been considered to be the legal and moral code of the conduct of a physician throughout the world for twenty-two centuries?

A Yes.

Q Now, Professor, from your knowledge of the history of medical ethics and medical legal procedure, has the medical profession or the law of any country permitted experimentation on human beings without their consent?

A Again and again it was asked historically, especially during the

letter period, whether human experiments in a large scale had existed before in medical history, and it is understandable that the period of the Renaissance was particularly mentioned in that connection. Never up until now was it possible to show this evidence historically, and I myself believe that the metaphysical connection of the human being to the time of the Renaissance would not have made such machinations possible. It is, however, characteristic that this experimenting with human beings, as I mentioned before from Moll, in the connection of a moral sense, became evident late in the 19th century. At any rate in its beginning I am of the conviction that this was the consequence of a biological way of thought which fits in with the national socialist program, even in other countries, and as such became evident in the 19th century. There can be no doubt that even idealistic pacifists and socialists developed this thought biologically and carried it out, and as they tried to say it, so to speak, the human cell in the 19th century, by trying to take away from the human being the poison of alcohol as the famous August Forel did it, it only needed a racial madness to start the fuel for that and in this way it was believed that by a biological over-organization the sufferings in the world could be done away with. Such an attitude, overestimation of biologism, was practiced in the second half of the 19th century in European culture. It only needed such a goal, this madness as it was practiced in Germany, to create such a consequence which came up here in the evidence.

Q Now, Professor, in your opinion as a Professor of Medical History in the previously renowned German University, did the majority of the German Physicians reject the oath of Hippocrates and the German criminal code and adopt the teachings of the Nazi doctrine and the attitude of Hitler and of Himmler as a basis for a new code of medical law and ethics?

A As long as there are physicians in the world who deserve such designations, they will always refer to the principles of the Hippocratic oath and consider themselves obligated under that oath. Those who did not act in accordance with that oath were either subdued or were crim-

inals. However, it is a minority under both categories and I think that  
the majority of decent human



Court No. 1

beings will master them.

Q. Professor, do you believe that the vast majority of the German medical profession would condone under any circumstances experimentation on human beings without their consent?

A. No.

MR HARDY: I have no further questions, Your Honors.

THE PRESIDENT: The Tribunal will now recess until two-thirty o'clock this afternoon.

(A noon recess was taken).

(The hearing reconvened at 1430 hours, 27 January 1947).

THE PRESIDENT: Defense counsel may cross examine the witness on the stand.

CROSS EXAMINATION

BY DR. SERVATIUS: (Counsel for Defendant Karl Brandt)

Q. Witness, you have stated that the undertaking of experiments on human beings as is under indictment here can be ascribed to biological thinking. What do you mean by biological thinking?

A. Under biological thinking, I understand the attitude of a physician who does not take the subject into consideration at all, but for whom the patient has become a mere object so that the human relation no longer exists and a man becomes a mere object like a mail package.

Q. You spoke of biologicistic thinking. Do I understand you correctly if you mean a development -- a deterioration of biological thinking?

A. It means an exaggeration of the purely mechanical or biological point of view. A physician is not a biologist. A physician is also a biologist. In the first line, however, a physician is a man who assists the human being and not a scientific expert of biological events.

Q. Can there not be other causes for the experiments, such as a collective state thinking?

A. Yes.

Q. Witness, you used the expression "order demoniac". What do you mean by that?

A. By demoniac order I understand the following: If I define as a basis for medical activity merely the safeguarding

27 Jan 47-~~A~~ SW-16-1-Ninabuck-IX

COURT I

of a racial substance of the people, it has the result that everything which falls outside this fiction is being done away with. That is

COURT I

a mild expression of what actually happened namely, extermination.

Q. Then you refer only to the aspect of blood. Could it not be applied to the state, to the collective aspect as well?

A. May I ask you to mention an example so that I may understand it better?

Q. I mean that by order of the State experiments were undertaken; that the voluntary act of the individual is replaced by the act of the State.

A. Between the collective idea and the State order on one side and the medical individual on the other, there is a large gap which is the human conscience.

Q. Witness, are you of the opinion that a prisoner who had over ten years' sentence to serve will give his approval to an experiment if he receives no advantages therefrom? Do you consider such approval voluntary?

A. No. According to medical ethics this is not the case. The patient or the inmate basically brought into a forcible situation by being arrested, and secondly, as a layman he has no possibility at all to weigh the consequences of such an interference. He, as a layman, cannot judge that.

Q. Are you of the opinion that eight hundred prisoners under arrest at various places who give their approval for an experiment at the same time do so voluntarily?

A. No.

Q. You do not distinguish as to whether the experiments involve permanent damage, permanent harm or whether it is temporary?

A. No, not even in the latter case.



27 Jan 47-A-SW-16-2-Ninabuck-(AK)

COURT I

Q. If such prisoners are infected with malaria because they have declared themselves willing to you consider that it is admiss-

COURT I

ible?

A. No, because I do not consider such a declaration of willingness right from a point of view of medical ethics. As prisoners they were already in a forced situation.

Q. I ask to be allowed to show the witness a newspaper, a magazine, "Life" of the 4th of June 1946. I submit a copy from the magazine.

(Document handed to witness)

Q. (Cont'd) Witness, you have the German translation of the English text. You see first a picture and under the picture it says, "In testing new medicines the prisoners are examined for unfavorable effects." I am afraid I am in the wrong place. I don't have the text for the first picture. It says, "An Army doctor is observing mosquitoes biting the prisoner knicker boxer." That is right, isn't it?

A. Yes.

Q. Now, I shall read the text.

MR. HARDY: The Prosecution respectfully requests a copy of the English that Dr. Servatius is now reading so that we may follow.

Q. (By Dr. Servatius) The text reads as follows:

"Prisoners expose themselves to malaria so that physicians can study it. In three penal institutions of the United States people who are incarcerated as enemies of society are helping to combat other enemies of society. In the Federal prison in Atlanta, in the State prison in Illinois, and in the correction institute in New Jersey about eight hundred prisoners volunteered to let themselves infected with malaria so that doctors can study the

27 Jan 47-A-SW-16-3-Ninabuck-(AM)

COURT I

disease. The scientists, acting on the instructions of the Office for Medical Research and Development found the life of prisoners ideal for experiments on human beings under control. There

people all eat the same food, sleep the same length of time and are never far away. The prisoners do not receive any benefits or any pardon for subjecting themselves to this infection. The malar-  
ia experiments in the prison underline the fact that malaria is still a very serious medical problem.



27 Jan 47 - A - 17-1 - LJC - Putty

"In the United States there are one million cases annually. The medicines available, primarily quinine and atabrine, do keep the malaria down, but cannot prevent its recurring after the first infection. The aim of malaria research is to find a new drug which may heal the disease once and for all." That is the text. Now, if you will look at the magazine, there are four pictures. One picture says, "In testing new medicines, the prisoners are examined for unfavorable effects." The second from left is Nathan Leopold, still in prison for his participation in the Leopold-Loeb case. Then there is another picture with the following text: "In malarial infection in the prison in Illinois, Army doctors have the patients infected by mosquitoes. The mosquitoes bite through a gauze-covered opening in a glass cage."

Then if you will turn to Page 46, there are two more pictures: "Violent chill is the first step in malaria. The above patient is an inmate of the Atlanta Penitentiary where prison malaria experiments were begun and developed." And below that there is the last picture. It says: "Fever often as high as one hundred six degrees follows the chill in twenty to sixty minutes. Some of the prison cases are allowed to develop to a considerable extent until they are combatted with drugs."

Now will you please express your opinion on the admissibility of these experiments?

A. On principle I cannot deviate from my view mentioned before on a medical, ethical basis. I am of the opinion that even such experiments are excesses and outgrowths of biological thinking, and I want to point out that when formulating my ideas, I was in agreement, as far as I remember, with the view of the lawyer, Ebermayer, referring to his book, "The Physician and the Law," and where, as far as I remember, he pointed out that the consequences of such an experiment cannot be foreseen; and if as a malaria therapeutic psychiatrist, if I should speak about my experience on malaria cases, I must say that malaria is a very serious disease. As its consequence it has complications such as serious septic thrombosis or heart muscle excitement which have death as their consequence. I am of the

27 Jan 47-A - 17-2 - LUG - Putty

opinion that we are not concerned here with a mere cold but a very far-reaching disease where we always have the therapeutic possibility of death. In consequence, such experiments should be carried out on guinea pigs and not on human beings.

DR. SARVATIUS: I have no more questions to put to the witness.

DR. SAUTER: Dr. Sauter for the Defendant, Blome.

CROSS EXAMINATION

BY DR. SAUTER:

Q. Professor, I do not want to discuss with you the subject which has just been under discussion, the question of general experiments and your opinion of them. I want to ask you only a few questions concerning the Defendant, Dr. Blome, whom I am defending whom you mentioned several times. Witness, in answer to a question of the Prosecution about the development of the medical profession from '33 on, you said, among other things, Conti, that is, the later Reich Physicians Leader, in 1936 dissolved the League of German Physicians. I understood you correctly, did I not?

A. The German Physicians Association was dissolved together with the Hartmann Bund in 1933 by the State Commissar, Dr. Wagner, or, rather, was brought under the Fuehrer principle. In my opinion, Conti further carried out an administrative act through the Reich Chamber of Physicians. As far as I remember, the Reich Chamber of Physicians only came into being in 1936.

Q. Witness, I should like to submit to you that you have made an error of recollection. This Gerhard Wagner, who I believe was the predecessor of Dr. Conti, was never State Commissar. That must be a mistake on your part.

A. No, that is not a mistake on my part. That is a mistake of Mr. Ramm who wrote a book in the year of 1943 about this subject, and you can read it there in print.

Q. Witness, I hear the name "Ramm" for the first time today, and I will never read his book.

A. The book can be found in the publishing firm DeGreuter in Berlin.

COURT I

Q. But I am not interested, witness in what this Mr. Ramm or whatever his name is wrote. I am interested in what was actually the case; in other words, whether you do not want to correct your previous statement that Dr. Gerhard Wagner was never State Commissar.

A. In that case I cannot understand how it came about that on the first April, 1933, he introduced the Fuehrer principle in medical matters.

Q. Witness, I can give you the answer to that question. It was not Dr. Gerhard Wagner who introduced the leadership principle, the Fuehrer Prinzip, but I must tell you the following: we had two medical organizations. One was the Physicians League and the other was the Hartmann League. These two organizations -- and I am telling you this now so that you can tell me whether my recollection is more correct -- these two organizations were subordinate to Sanitaeterat Dr. Stauter of Nurnberg. He was in charge of both organizations, and this Dr. Stauter as the head of the two organizations in earlier times in 1933 offered Dr. Gerhard Wagner the leadership of these two organizations. Therefore, there was no compulsory transfer, no "gleichschaltung." Please comment.

A. On principle I am ready to take notice of what you are saying. However, as a historian I want to point out that such office at that period of time had a somewhat unique character.

Q. Witness, today here we cannot investigate all these matters in detail. I only wanted to clear up a question which the Prosecution had submitted to you which today, after thirteen years, you may not remember very clearly.

27 Jan 47-A-LJG-17-3-Putty-(AK)

COURT I

A. I thank you for what you are saying, and I can only state that my version as a historian referred to a documentary basis and that Dr. Ramm was probably mistaken in his book.

Q. Then, witness, if I have understood you correctly, you said that Dr. Conti, who later became Reich Physicians Leader -- that in 1936 Conti dissolved the League of Physicians? Do I understand you correctly?



A. In the sense in which I stated before that these organizations were so-called absorbed in the Reich Chamber of Physicians.

Q. Witness, I may put the following to you: the Reich Chamber of Physicians was not created by a decree of the Reich Health Leader, Conti, but as you say, perhaps, remember now by a Reich law, by the law, the Reich Physicians Order -- that is a rather unusual title of this law -- in the year 1936. That is true.

A. The Reich Physicians Order, as far as I remember, was issued in December, 1935, and came into effect in 1936.

Q. And through this law the Reich Chamber of Physicians was created; and now I should be interested -- because you said before that Dr. Conti had dissolved these organizations, I would be interested in knowing whether you know who is responsible for this Reich Physicians Order, this law of the end of '35 or the beginning of 1936.

A. That is not known to me.

Q. Perhaps I may aid your memory by reminding you that this Reich Physicians Leader, Dr. Conti, had no part whatever in this law, that this law was worked out by Wagner and then by Hedenkamp and by Dr. Grote, while the Reich Physicians Leader, Dr. Conti, who was later represented by Dr. Blase, had nothing whatever to do with working out this Reich law. Can that be right?

A. The names mentioned are known to me and I deduce therefrom that Hedenkamp, as a former president of the Hartmannbund, was coordinated.

Q. Yes. In this connection, Professor, I should like to devote one question to the association of social insurance physicians (Kassenärztliche Vereinigung) which was mentioned earlier today. It was a body of public law, an independent body, and the head or legal representative of this entity was supposed to have been Dr. Conti. But now I should like to know, do you know that this Dr. Conti, in his capacity as head of the association of insurance physicians, was not represented by Dr. Blase by someone else whom I just mentioned, Dr. Grote?

A. I think that is very probable.

Q. Another question, Professor. You were asked today about the Jewish doctors. Are you aware that the question of the activity of Jewish doctors, that is, the regulations of law, the rules and regulations about Jewish doctors, had nothing whatever to do with Dr. Blase, the defendant, but that they were under the responsibility of Dr. Conti and were administered exclusively by this Dr. Grote?

A. I cannot remember that I said this morning anything which would incriminate Dr. Blase in that way.

Q. But what I have just told you -- is that right?

A. That can be right.

Q. Professor, you made another statement by which you deliberately wanted to incriminate Dr. Blase. The statement ran about as follows: "Ministerialdirektor Dr. Guett, from Dr. Guett there was a straight line in crescendo to the deeds of Conti and Blase." That is about how I understood

COURT I

your statement. Now, Professor Leibbrand, I am not interested in what you meant by Conti's deeds, for he is dead. I am interested only as the defense counsel of Dr. Blome in what you meant to say about Dr. Blome.

A. I did not want to accuse Dr. Blome of something in particular. I merely mentioned the organizational order which led from Guett from the Department 4 down to the smaller divisions of the health office and how this line went over to the Reich Chamber of Physicians. Since, in that order, Blome was the representative of the Reich Physicians Leader, I thought it correct to mention his name in that connection without making any particular reference to him.

Q. Professor Leibbrand, would you not consider it just to revise this opinion for the following reason: Dr. Conti, as you told us, aside from other phases which are beside the point, had two functions--first, State Secretary in the Reich Ministry of the Interior and therefore, under Frick, head of the Civil Health Administration of the State -- of the Reich; and second, Reich Physicians Leader and thereafter President of the Reich Chamber of Physicians. Now, Dr. Blome, and this is what I want to ask you -- I believe you have already indicated it, had nothing whatever to do with the State Health Administration and in particular he did not represent Dr. Conti in his capacity as State Secretary in the Reich Ministry of the Interior but only as Reich Physicians Leader, that is in the Reich Chamber of Physicians. The Ministerialdirektor Guett, whom you mentioned in this line in crescendo, he was concerned only with the Ministry of the Interior, only with the State Health Administration in Conti's office as State Secretary. He had nothing

27 Jan 47-A-EHM-18-2-Lesser-(AK)

COURT I

whatever to do with the Reich Chamber of Physicians and therefore, Professor, I consider it unjust if, in describing this line in crescendo, you mention Dr. Blome in connection with Ministerialdirektor Dr. Guett and the State Secretary, Dr. Conti.

a. With reference to the order of organization, I took into account what you said, namely that Dr. Blome should not be included in that column which started with Guett. With reference to your expression "crescendo",



this is something that may be revised but this revision will hardly lead to a better concept about Mr. Blome's mentality. I, as a philosopher, am of the point of view that during such happenings as we have witnessed, words always come fast and these words were already being considered as dangerous by philosophers when they were poisoned; and these poisoned words which Mr. Blome expressed are contained in his biography, namely "The Physician in the Fight", and because of this mentality, the persecution of Jewish physicians, the race of the Jewish physicians into death -- Mr. Blome is co-responsible for this mentality.

Q. Can you tell us, Professor, when this book was published?

A. As far as I remember, in 1939, before the beginning of the war.

Q. That is wrong.

A. Of course, I could be mistaken about such date.

Q. I am not mistaken, Professor, because in the book itself, which, of course, I have read from beginning to end, I ascertained that approval for the printing of the book was given only at the end of 1941 and, Professor, I consider it important for the same reason as you say that it was published before 1939, because at the time that the book was published, the operation against Jewish doctors was in general concluded. I will submit the book to the Tribunal. It was published at the end of 1941. Could that be right? That must be right.

MR. MC HANEY: May it please the Tribunal, I do not like to object but it seems to me that the cross examination is getting a little bit out of bounds and instead of putting questions the defense counsel is proceeding to lecture the witness and I would ask that defense counsel be asked or ordered to limit himself to putting questions to the witness.

THE PRESIDENT: Questions propounded by defense counsel are rather argumentative in their nature. If Counsel will just propound to the witness direct questions, it will be more in accordance with the recognized procedure.

DR. SAUTER: Mr. President, the nature of the questioning in the case

of this witness in particular must, to a certain degree, be determined by the way in which he has testified. He gives lectures of a professor, too, and not exactly what one is used to at the testimony of a witness; but that is no reproach to the witness, only a justification for the nature of my questions. Besides, Mr. President, up to now I have only touched upon points which the witness has mentioned in answer to questions of the Prosecution. May I continue now?

Q. Witness, you also said that all doctors were under the Reich Physicians Leader, Conti, with the exception of Wehrmacht and SS doctors. That is right; isn't it?

A. Yes.

Q. But could you not make one more exception?

A. Maybe you would ask me what exception you mean.

Q. I do not want to put the answer in your mouth. Witness, were all the official doctors, and in particular the doctors in the insane asylums, under the Reich Chamber of Physicians?

A. During my definition this morning I probably forgot those physicians and I am now including them.

Q. Official physicians and physicians in insane asylums?

A. Yes.

Q. This is important because of the question of Euthanasia. Witness, you said that in 1933 there was an Action Conti. If I understood you right, you and many other physicians too presumably were affected and placed in a subaltern position. Now will you please answer the following question. Did the Reich Chamber of Physicians have anything to do with this Action Conti, as you call it?

A. I can merely say that the order emanated from the Reich Health Office in Berlin and if it was attempted to determine who was the responsible author of that order one would arrive at a position of the Ministry of Interior at Schillingstrasse, Berlin. There was the Oberfeldarzt Dr. Bernhard, who was mentioned by me this morning already. I had this Dr.

Bernhard investigated by a third party since I was interested in finding out the real sense of this action and at this opportunity Dr. Bernhard expressly declared the banishing of these physicians was not an organizational question of the war but this action was merely a political action and had as its purpose to cleanse the Reich Capital from Jews and friends of Jews.

Q. Professor, you answered a question which I did not ask. I was not trying to find out whether it was a political action but whether the Reich Chamber of Physicians and the defendant, Dr. Flaco, had anything to do with it; whether you have any reason for thinking that they did.

A. Doctor, I did not mention Dr. Flaco in that action. I merely tried to develop the Action Conti historically and I brought it in in connection with the Ministry of Interior, of which Dr. Conti was a member, as State Secretary.

Q. But witness, you spoke of an Action Conti which might easily give the impression that this action was specifically directed against Jewish or Social Democratic physicians. Therefore I ask you to state whether you do not know that this action was also carried out in exactly the same way in other professions?

2

COURT I

A. I know nothing about the anological developments of action Conti.

Q. Do you know for instance that innumerable attorneys, even those with very large practices, were included by the same action, and with the explanation that they were dispensable?

A. I personally, didn't experience it.

Q. And, I am interested in the use of the first name Isaac and Sarah; did this apply only to physicians or did this apply to all citizens of Jewish faith?

A. It applied to all citizens of Jewish faith, since every Jew not only had to use the first name, but whenever he appeared before an office he had to name this first name, and at the same time list his identity number. If he did not do this, all sorts of things could happen to him.

Q. Professor, today you spoke of the mis-treatment to which Jewish and Socialist Democratic doctors were subjected to in Berlin on 1 April 1933. Do you have an evidence that the Reich Chamber of Physicians or the defendant Blome had anything to do with this thing?

A. The Reich Chamber of Physicians on 1 April 1933 did not exist.

Q. But Doctor Blome existed?

A. I did not know Doctor Blome and I, therefore, do not know whether he was participating in this matter.

Q. This morning, Professor, you spoke of a training camp Altrese; that is, an institution for the training of practicing physicians which the defendant, Doctor Blome, had created. Are you aware that attendance at these training courses were completely voluntary, and furthermore that



27 Jan 47-A-PKP-19-1-Beard-(AK)

COURT I

applications for these training courses were so numerous that not all of these could be accepted?

A. I think that is entirely possible considering the large propaganda which National Socialism seduced the young people with at that time.

Q. Now, I have one last question, Professor, as an example of how the level of the medical profession fell during the Hitler regime, you mentioned the fact that during that period a number of parties were accepted. Did I understand you correctly when you added that these men didn't have medical training but had only studied two years, I believe it was, Professor. Do you

COURT I

know how many of those who so practiced were accepted into the Reich Chamber of Physicians?

A. That is not known to me.

Q. Then, perhaps I can tell you. Only one, a man by the name of Kersten. I do not know whether you ever heard of the name. This Kersten was formally a Finnish Medizinalrat. He had a good reputation by the treatment of the members of the English and Swedish royal families, and that was the only one doctor whom Doctor Blome told me, who in view of special circumstances was accepted in the Chamber of Physicians. If that is true, then, would you really say that this one case, in view of the special circumstances, was proof of the falling level of the medical profession?

A. I did not state at all that the introduction of that specific term, a doctor had to study natural sciences, and I did not say that was the reason for the lowering of the standard of the medical profession. However, in addition to many other plans, I attacked this plan, and I reported on it historically. I may bring it to your attention that it was established by literature, that in the year of 1937, in our periodicals within the Third Reich, surprise was uttered that the academic and medical studies suffered and decreased by quality and quantity.

Q. That has nothing to do with our question, Professor, but I must point out that you are again speaking of the Heilpraktiker. I want to point out quite clearly that a Heilpraktiker is what we use to call a "quack". And, I ask you if this is true, that they had nothing to do with the Reich Chamber of Physicians. From 1934 -- from there, they formed their own organization, the league of Heilpraktikers, but

COURT I

the physicians with the single exception of Doctor Kersten, had nothing to do with it; is that true?

A. It is correct, but I have to point out that the National Socialist would have thought it very wrong of you Doctor if you designated these Heilpraktikers as "quacks"? Therein lies the mentality of the entire structure. I admit to you that the Heilpraktikers were not subordinate to the Reich Chamber of Physicians, but the fact that there was a connection between the educated physicians and with these Heilpraktikers, which you have

COURT I

designated as "quacks" -- such a connection existed, and it was not the case before 1933.

Q. Professor, you are mistaken again. I asked your opinion of the doctors, as to whether it is true, the Court may be interested in knowing it. The Heilpraktikers, since the introduction of freedom to practice, before and after 1933 -- the only difference was after 1933 -- in 1934 a league was formed and that there was certain requirements for training which did not exist before. Is that the truth?

A. Yes, before. It was attempted to ban this quack practice. This was attempted through the Reichstag in the years 1910 and 1911.

Q. And, since we are on the subject, I do not want the defendant Glome, as Deputy Reich Physician Leader to be incriminated by your statement. I would ask you to tell me, is it true and do you know, that in 1939, a law was issued that for all of Germany the number of Heilpraktikers was reduced to 3000 and that no further admissions were to be allowed so that they had to gradually die out. Do you know that?

A. Yes, that is known to me.

DR. SANTER: Then, I have no more questions, Mr. President.

BY DR. FROESCHMANN:

Q. Professor, this morning, on the basis of your knowledge of the history of medicine, you gave a detailed explanation to the Court on a certain medical question. May I now ask you, on the basis of your knowledge, to tell the Tribunal where in the history of medicine or philosophy or theology for the first time the concept of Euthanasia



COURT I

crops up?

A. The concept of Euthanasia, as such, only means that to a greater or lesser extent deadly ill patients are being helped in their last hours, and it is up to the discretion of the treating physician to conduct this automatic part of dying with medical aid at his disposal and make it, so to speak comfortable. That is what Euthanasia means.

Q. BUT, Professor, just a minute. I did not ask you for the meaning of the word Euthanasia. Your statement was not an answer to my question. I wanted to ask you to tell me and to tell the court when you think the term Euthanasia

first appeared?

A. According to my opinion, and as far as I remember it, it first crops up in the literature of the 19th century, at the moment when such things were attempted.

Q. That statement does not quite answer my question either. You remarked quite correctly that Euthanasia, in the normal sense, is the action of doctors to make the last hours of the dying persons easier. And, I merely wanted to know where and when in the course of your historical research you first heard this term Euthanasia used?

A. I cannot answer this question now. Just when the Greek word Euthanasia was first mentioned -- that would have to be investigated scientifically.

Q. Thank you, now, the procedure which you have just described, that is, alleviating the suffering of dying persons without actually shortening their lives. Did this correspond to the principles of Hippocrates?

A. There is nothing to be said against them.

Q. Now, will you please tell the Tribunal when the conception of Euthanasia and its demand to doctor in the course of the last century or the last decade, had been expanded and in what way?

A. We are here concerned with exactly the same problem with which I already dealt with generally this morning. That through an examination biologically throughout on one side, and through which I designated this morning is a demonic deranged eugenic point of view became increasingly stronger in the thought of human beings and especially during the second half of the 19th century. And, that then according to these points of view, he acted and changed Euthanasia in its basic meaning in order to use it for the purpose of exterminating the so-called inferior human beings.

Q. Meaning the conception of Euthanasia, in the wider sense, not at first limited to the shortening the so-called life of worthy patients, but only those persons and with the approval of the patients?

A. At first.

Q. And, then subsequently was this effort to apply Euthanasia generally

27 Jan. 47 -4-19-5-PKF- Beard  
Court No. 1

in cases when some one was suffering from uncurable diseases, who were spiritually and mentally dead, was this effort made to apply Euthanasia to these cases without the approval of the patients?

A. That is a very natural mental development, and its use, as I mentioned before, the metaphysical connections were attacked. The moral biologically reaction was exaggerated. The more it was believed that one was justified to do this thing, and one of the most horrible examples on the propaganda field was the well known film "I Accuse" which dealt with this problem in a very unmedical and unscientific manner.

Q Perhaps we may have occasion to discuss this film later; but now I merely want to hear from you about these alleged demands of euthanasia--did they appear only in Germany or did they appear in other countries, too?

A I already mentioned this morning the questions concerning that point with reference to the historical medical effects which were in Germany; but the basic problem is not the problem of a nation but, philosophically speaking, it is an anthropological problem; that is to say, we are here concerned with metaphysical lowering of the standards of the modern human beings since the second half of the 19th century.

Q Was this problem dealt with only by medical men or also by jurists and philosophers?

A What problems?

Q The euthanasia problem.

A It was dealt with by lawyers, medical men, and theologians. I have published a written thesis in that connection.

Q Is that the writing included in part in your work, "The Human Rights of the Insane"?

A Yes.

Q What argumentation did it advocate of the expanded idea of euthanasia advanced quite generally?

A It was expressed in the concept of life, the concept of the unworthy of living, and the life unworthy of living. This concept in itself contains the idea that the sense of living is the life itself; and that is what I consider the lowering of the standard.

Q Were not other points of view expressed by advocates of euthanasia?

A I would ask you to make your questions a little more concrete in order to refresh my memory.

Q Was it not pointed out that these sick persons, especially those who were spiritually dead, had no capacity to realize the world situation; that they were in no relation and no contact with their surroundings; and that, consequently, it was not only expedient but necessary that these poor creatures be released from their suffering?



COURT I

A. Those ways of thought are naturally known to me. I think that they are the radical expression of a positivistic attitude. I think they are completely one-sided; and it is impossible that as a physician one can adopt such a one-sided attitude, irrespective of your own religious or philosophical attitudes.

Q. You base this on the medical point of view alone?

A. Yes; considering my profession as a medical historian, which deals with medical history and medical questions, this is a matter of course.

Q. You admit that from the philosophical and juristic point of view such a problem might very well be discussed *de lege ferenda*?

A. I would not say *de lege ferenda*; but I would express myself more scholastically and would say according to whether this possibility should be realized in a one-sided manner is extremely doubtful since these problems are open questions which cannot be immediately solved; and *de lege ferenda* cannot be used in the case of open questions.

Q. Then Professor, I conclude from your statements that the euthanasia problem was considered by medical men, lawyers, theologians, literary men, for many decades, not to say for many centuries; that this problem turned up repeatedly and can be called an ancient problem?

A. Yes.

Q. Professor, you have mentioned your writing about the human rights of the insane. May I ask you to answer one question in this book which I have before me? You mentioned a statement of a physician in 1943-44 with the heading "The Physician in Germany"?

COURT I

A. Yes.

Q. In this short essay you have this physician, who is not named, in connection with the visits of doctors to insane asylums--you have this physician speak as follows: "The doctor comes to visit the patients and examines the patient." And then you ask: "Who is the physician, the patient or he?" And then you say; "This antinomy was true; the doctor learned it daily; and when he entered that room, when he was surrounded by this misery, he realized the extent of his guilt." And then you continue: "But what could he do? He could go and protest publicly; he could refuse. But what he achieved was only the removal of himself.

27 Jan 47-A-FJC-20-3-Blakley-(AK)

COURT I

Whom did he help? And so he stayed; stayed with his unbearable protest."

Is it true that this question from your article was published in your pamphlet?

A. Yes.

DR. FROESCHMANN: Then I have no further questions.

JUDGE SEBRING: The Court would like to direct a suggestion to counsel who has just been interrogating the witness that perhaps for the sake of the record the title and the authorship of the book which has been referred to should be read into the record.

DR. FROESCHMANN: Your Honor, I am glad to comply with this wish. The book is published by the witness who has just been examined, Werner Leibbrand, with the collaboration of five other men and women. The title is the Human Rights of the Insane, "Um Die Menschenrechte der Geisteskranken." The book was published by the publishing company, "Die Ecke", in Nurnberg in 1946. Does the President want any more information about this book?

THE PRESIDENT: That is the information the Tribunal desired. That is sufficient.

THE PRESIDENT: The Tribunal would like to ask Dr. Servatius a question. Dr. Servatius, counsel for defendant Karl Brandt, referred to an article in an American magazine named "Life". It will be advisable to read into the record the date and the number of the magazine from which the doctor read.

DR. SERVATIUS: This is a copy of the magazine of the 4th of June, 1945, Volume 18, Number 23. It is an American magazine, copyright Pan American, copyright convention.

27 Jan 47-A-FJC-20-3-Blakley-(AK)

COURT I

THE PRESIDENT: That information is sufficient to identify the magazine. The Tribunal would ask the counsel whether or not he proposes to offer this magazine in evidence during the case when Karl Brandt is presenting his case.

DR. SERVATIUS: I would offer it now as Karl Brandt Document No. 1 and submit it now.

THE PRESIDENT: The magazine should at this time be marked as defendant Brandt's Identification 1.

DR. SERVATIUS: Certainly.

THE PRESIDENT: Counsel for defendant Brandt understands that this simply identifies this document and that later on if counsel desires to offer the



document in evidence it should then be formally offered into evidence? Does counsel for defendant Brandt understand what I just said? Counsel signified that he did understand what the Tribunal meant.

CROSS EXAMINATION

BY DR. FLEMMING: (for defendant Krugowsky)

Q Professor, in answer to the last question of Servatius, my colleague Servatius, you asked if such experiments could be conducted on guinea-pigs. Do you remember that? Are you aware that there are quite a number of problems which cannot be solved by animal experiments but only by experiments on human beings?

A Naturally.

Q Is the handling of such problems essential for the development of medicine and the good of humanity?

A That is the purpose of making physiological experiments on human beings.

Q Professor, do you know of experiments on human beings carried out in medicine? Have you studied them in enough detail to have a good knowledge of this subject, and are you able to say to what extent such experiments have been conducted so that you can judge them from the point of view of many medical men, not only from your own ethical standpoint?

A I think that this question is a question for a specialist who works on experiments, some theoretical matters; and I don't think that I can make any final answer in that respect as a medical historian.

Q Have you studied this subject in enough detail to be informed not only of what has been published on the subject but what has been published so that only an expert could understand it?

A No.

Q Professor, do you know that in the case of scarlet fever vaccines from scarlet fever toxin there is no possibility of testing it on animals and that for that reason in many foreign countries it is tested in children's clinics and on human beings?

A I think it is possible.

Q Are you aware that such decisions were not decided upon in Germany and that consequently there is uncertainty that ineffective vaccines were used and on the other hand dangerous vaccines were used: the danger of these vaccines

COURT I

was realized only when they were used? Were not valuable human lives lost and was there not considerable damage to health?

A. I am not quite familiar with these questions in detail. These are questions which belong to experimental therapy and I cannot say anything final about them.

Q. Professor, do you know of the prophylaxis experiments in sleeping sickness? Do you know that negroes were hired as subjects?

A. I don't know anything about the matter; but the first is basically right.

Q. Do you know that in such an important disease as malaria, work on reagent and animal experiments are impossible because the disease cannot be transferred to the animal and the germ cannot be cultivated; and consequently in almost all civilized countries, were not experimental subjects used, experiments conducted on human beings in malaria, primarily on insane persons by therapeutic malaria infections but also on hundreds of experimental subjects?

Court I

A. Already this morning I referred to the literature of Dr. Moll and aside from that I know the malaria experiments have mentioned to me and also these examples which you have just mentioned which are quite well known to me.

Q. Professor, are you aware that in the old syphilis and gonorrhea research human experiments were primarily a part of the research, and that the French Government issued an order for experiments on human beings?

A. I know these things partly from the literature of the French Philroye.

Q. Are you aware Professor that Joseph Gruenberger with approval conducted experiments on twelve persons or prisoners, who in the case of survival were promised a pardon, and that he conducted pellegra experiments?

A. Yes.

Q. Are you aware that Adler, a prize winner of the Royal Society for Tropical Disease and Hygiene in 1940 infected five cancer patients with kala agar and that all five died?

A. This case occurred in 1940 and is not known to me, but it is analogous to other cases which came from the literature of Moll.

Q. Are you aware that Heymann, Heilbrunn and Gungnanu, treated three paralytics through inter-cerebral penicillin treatment, that they treated three paralytics and that all three died?

A. I do not know about these cases. Probably I have not all of the foreign literature at my disposal.

Q. Are you aware that Vief and Stocks in the United States had infected two hundred fifty persons with hepatitis epidemica with well water, in these cases to test the role of water as a carrier of the virus?

A. No.

Q. Are you aware that in the sleeping sickness research human experiments are available?

A. I know about experiments on human beings suffering from sleeping sickness.

Q. Is it true that in sleeping sickness it is possible to experiment on animals?

A. That is a special question which I cannot answer.

Q. Are you aware, Professor, that in the case of Papatacci fever experiments can be conducted only on human beings and that there are many reports of such experiments?

A. Yes.

Q. Are you aware that basis yellow fever research up to 1903, in this very dangerous disease, was exclusively based on human experiments, a large number of human experiments?

A. Yes.

Q. Are you aware, Professor, that in typhus research aside from some old Russian experiments human experiments were conducted in Mexico by Otter, in Indo China by Yersin, in Algiers by Sergent, in Turkey by Hamdi and in Poland by Sparrow?

A. I think that is possible even though I do not know the individual disease, but it covers what I have generally told about the subject.

Q. Are you aware, Professor, that Troun infected prisoners with living plague bacilla?

A. No.

Q. Are you aware that dysentery experiments were conducted on human beings?

A. No, I don't know anything about these special cases.

Q. Are you aware or do you remember from the First World War that the official English and American commissions investigating five day fever, worked to a large extent on human beings?

A. No.

Q. Are you acquainted with any reports of infection experiments in leprosy?

A. Yes.

Q. Are you aware that in America internees and recruits were artificially infected with measles?



A. In all countries of the world such infection experiments were carried out in the second half of the 19th century.

Q. If all of these experiments, Professor, were actually conducted, and also as you said this morning, and as Moll's book shows, about six hundred works are published, in which there are thousands of such experiments described, must not one say that the question of experiments on human beings under certain conditions is judged differently by other circles of medical men as you judge it from an ethical point of view.

A. That I cannot say since Moll at the end of his work writes it is a part of the morality of a physician that he holds back his natural research urge in order to maintain his basic medical attitude which is laid down in the oath of Hippocrates and which may result in doing harm to his patient.

Q. But in your opinion, Professor, how should a doctor do work in the interest of suffering humanity in cases where, as you have just said, there is no possibility of experiments on humans?

A. The concept of humanity is a very dangerous concept. It is most dangerous for the physician. Above all humanity for the physician there is the individual, and the individual unfortunately was very low in these last few years.

Q. I believe that you have not quite answered my question. I asked: How do you think the doctor is to work, even in the interest of the individual, how is he to clear up questions which cannot be tested on humans and in a test tube as is the case in malaria, for instance, problems which must be cleared up if he is to help his suffering patients?

A. That is naturally a very difficult question, but it will always be of major importance, but there must be a certain limit to a risk.

Q. Thank you. Now I come to another point. This morning, Professor, you expressed disapproval about a book which the defendant Mrugowsky wrote. May I ask, have you read this book?

A. Yes.

Q. Do you know Mrugowsky personally?

A. No.

Q. Then you do not know his ethical point of view?

A. I said that it was a joke of world history, the quite ironical joke of world history, that the medical ethics of Hufeland were quoted in the form of an excerpt from his writings with a few connecting words and that those quotations were combined in a little volume, and that on the other hand we know in what organization of degradation he was connected with these deeds, which I am questioning here, and I am only speaking about the degradation and not the objective guilt which has not been proven yet.

Q. And is there anything except the facts with which he is charged here?

A. In the final analysis he was still the Chief of the SS Hygienic System, and what the basic medical ethics for the SS were has become historically clear to me in the course of the last few years, and between these two sectors I think there is a large gap, that is the SS medical ethics of Mr. Haupthold. I may perhaps understand that a man like Mr. Haupthold could be lead to a one sided practice of police medicine and could get excited about it, but I could not understand how the SS ethics could be brought into connection with the ethics of William Christian Hufeland.

Q. Professor, you just told us you do not know Mrugowsky at all?

A. No.

Q. Then how can you express a judgment on his personal ethical attitude? You are judging only from the fact that he belongs to the SS. Before you express such a definite opinion as you are doing, as you talked of a joke of world history, must you not first know the personal attitude of the person you are criticising, and is it not quite possible that a person personally had such an attitude as expressed in this book?

A. I don't believe that one can hold a leading position in the SS and then talk about such ethics if one does not act in ethical cases in what is called double bookkeeping?

Court I

27 Jan 47-A - 21-5 - LJC - Cook

Q. But you admit that is a poor opinion based in no form on a personal knowledge of the person when you criticized?

A. I do not know Mr. Mrugowsky.

Q. Thank you. I have no more questions.

THE PRESIDENT: Are there any further questions to be propounded to this witness by defense counsel on cross examination?

DR. TIEFENBACH: Dr. Tiefenbach, defense counsel for the defendant Dr. Schaefer.

BY DR. TIEFENBACH:

Q. Witness, I have the following questions to put to you in connection with your statements about the persecution of Jews, of Jewish physicians. In 1938, was it dangerous to quote Jewish authors in scientific writings?

A. That varied considerably. One can be fortunate and one could be unfortunate. I personally remember that as a collaborator and co-worker of the "Frankfurter Zeitung" I once made the attempt to quote the name of my Swiss friend Ludwig Binzinger in a scientific article, who was only half-aryan, and then the editors struck out that name.

Q. Do you believe that aside from the removal of such quotations by the editors, there would have been any further consequences or had to be any further consequences for a person who cited such a Jewish author in a medical scientific writing? Can you give any examples to this?

A. As far as I take it, you are only referring to the time of 1938.

Q. Yes, that is '33, '34, but up to '38 -- I am asking specifically about such an advance period as 1938.

A. With reference to the first years, I would not think that it was so terribly dangerous; in the year of 1938 it was much more dangerous. As for individual examples as the case of Binzinger, I cannot think of any.

Q. Would you have considered it unusual if at that time in 1938 you had seen Jewish authors quoted in a scientific writing?

A. Yes, it would have been very unusual.

Q. Yes; and would you assume that a physician who, as late as 1938 quoted Jewish authors in his writings, that this physician agreed with the National Socialist system, in particular, that he would approve of experiments on concentration camp inmates?

A. Now, Doctor, how can one answer such a question. One has nothing to do with the other since there is no such connection in the life of a personality. It is completely illogical.

Q. So that it is not absolutely necessary that the physician who quotes a Jew, who at the same time expresses that he does not identify himself with a



the system?

A. They are the most remarkable things which may run parallel to one another.

DR. TIEFENBACH: I have no more questions.

THE PRESIDENT: Is there any further cross examination of this witness by defense counsel? Do counsel for the prosecution have any matter with which they can occupy a few minutes?

MR. HARDY: I have four or five questions to put to the witness, your Honor, on redirect.

THE PRESIDENT: All right, proceed

REDIRECT EXAMINATION

BY MR. HARDY:

Q. Professor, you have stated that the attendance of young physicians was not mandatory in the Fuehrer School of German Physicians. Now, I ask you, was it not a command performance, so to speak, for a young physician to attend Blome's school so that he might be able to proceed successfully in his profession?

A. The latter is naturally very probable. I remember similarly that the same was the case with the Reich Labor Service. There were a number of colleagues who thought that this entire affair was very horrible but they made a show for the outside; they went there and they said it was a very nice life and knew very well that it would be advantageous for their career. I should like to see that young physician who at that time did not try to create such an impression in the interest of furthering his career.

Q. Now, Professor, you mentioned the film "I Accuse." Have you seen it?

A. I did not see the film but I know its contents.

Q. What did it show, Doctor?

A. The film showed, as far as I remember, that a human being who is suffering from an incurable multiple sclerosis should be killed rather than kept alive and the propagandistic technique of that film was very dangerous for the reason that in a suggestive manner the public was, so-called, asked to take part in the decision so that the help of the public was enlisted in the

aid of that decision and should spontaneously arrive at a decision but beyond that, I can say from my experience gained by my neurological practices, that ever since the day that film was shown, the word "multiple-sclerosis" was no longer mentioned by me as a physician since I could no longer stand to mention this designation of a disease to my patients. This film had a catastrophic suggestive effect on all laymen and patients.

Q. Do you know by whom this film was distributed?

A. That is not known to me. I do not remember it.

Q. Would you say that this film was medically or scientifically a sound and reasonable document?

A. No. Under multiple sclerosis there are just as many cases which would have been improved and cured, such as tuberculosis cases that can be cured and such as chronic alcoholics who can be cured and it was an intentional maliciousness if such a case was taken out and in such a manner propagated among the public.

Q. Then you would describe it, Doctor, as merely propaganda; is that correct?

A. Yes. As far as I know, there was a film department with the Ministry of Propaganda where a physician collaborated and I think his name was Tossalla.

Q. Now, Doctor, do you know of any other such films?

A. I know another historical film which also shows a similar trend, the Robert Koch film, where the personality of one of our greatest German pathologists Robert Koch was distorted in an almost unbelievable manner. At that time, in the interest of Rudolf Virchow, I wrote an article in order to protest against this one-sided description. His son was living at the time. Geheimrat Hans Virchow thanked me for it for trying to save the honor of his father.

Q. Now, Professor, do you know anything about the Euthanasia Program as it operated in Germany from the latter part of 1939 on?

A. I only made the experience of the practicing psychiatrist; that is to say, I know the slow development of the transporting away of the insane

to extermination camps and I know the suffering of the members of the families of the patients who had to fear being included in that action. The consequence was that I for years, nay, made the attempt to knowingly falsifying of the patients which were given to my care and so saved them from such a fate as far as possible. It has not only referred to Euthanasia but it also referred to the sterilization measures for years and I admit that today, I protected my patients by, for instance, designating schizophrenia as another disease and that thereby I designated epileptic cases as merely "Klam" (?) cases and further, a number of so-called "melancholics" I saved by calling it a different name in order to save my patients from sterilization or a fate even worse; namely, that of the extermination camps.

Q. I have one further question, Doctor. Then, in summing up, I would say or I may assume that the type of Euthanasia practiced by the Nazis in the Euthanasia Program from 1939 on was not that type of Euthanasia of which you have expressed a limited approval here today; is that correct?

A. No.

MR. HARDY: I have no further questions.

JUDGE SEBRING: Mr. Hardy, the Tribunal is interested in knowing whether this film by the accused or similar films which have been referred to here in testimony, had any official governmental sanction or approval or authorization or whether they were merely private ventures?

MR. HARDY: I put that question to the witness, your Honor, and he said that he did not know who the distributor was. I think we can clear that up, however, but the film, I believe, has been requested by the defense counsel in their case.

JUDGE SEBRING: That is the reason I am asking the question.

MR. HARDY: The official government sanction is a matter that at the present time I am not able to answer, whether or not it is an official government film. I asked the witness that question and he doesn't know either. I have no further questions on redirect, your Honor.

THE PRESIDENT: Do any of the defense counsel have any further questions for the witness in regard to the questions recently asked?



DR. FROESCHMANN: (Counsel for "Victor Brack"). Mr. President, on the basis of the redirect examination, I have two more questions to put to the witness.

REGROSS EXAMINATION

BY DR. FROESCHMANN:

Q. Professor, you were the head of a mental institution. In your opinion, are there insane persons with a lack of consciousness, of understanding, or on the very lowest intellectual level whose mental understanding does not go above the animal level?

A. That is a question which goes beyond the medical framework. We can only judge on the basis of reactions with reference to various degrees of animal life. We are not justified, however, to consider this comparison as the only one valid. The possibility that a change occurs is always there and therefore, there is no possibility to answer this question in such a one-track manner.

Q. Are there not cases in which after years, if not decades, of observation in the insane asylums where any prospect of improvement is out of the question?

A. Certainly, there are such cases but there is also the contrary; for instance, there are cases of schizophrenia who, even after fifteen or twenty years, one day suddenly for quite unknown reasons come back to health. There are a number of incurable psychopathic cases who cannot cope with life and could never live socially outside the walls of an institution and who then suddenly in their last hours after a physical disease show themselves ready to communicate with the outside world, something which they never had during their lives before. These things do occur in medicine.

Q. And, now, Professor, supposing that we could decide whether a case of insanity was incurable or not, do you consider a unanimous affirmative answer to this question by a number of medical specialists independent of each other, do you consider this adequate to present the factor of human error? Did you understand my question?

A. May I consider it for a moment? Maybe you could repeat the last part of



your sentence.

Q. The last part was, whether you consider such a combination of several medical specialists, psychiatrists in some other field, completely independent of each other, who answer this question of incurability in the affirmative, do you consider this an adequate basis for declaring this patient incurable?

A. As a philosopher I would still have my doubts then.

Q. And as a doctor?

A. I would go by the fact but I would not draw consequences from that which go over the limits of the Oath of Hippocrates.

Q. In his philosophical answer — I gather that theoretically you answered my question in the affirmative although practically you would not participate in such an undertaking?

A. Yes.

Q. My last question. May I conclude that there are cases of insanity where release from the sufferings is desirable from the human point of view and in which the physician alone is in a position to bring about this release?

A. That is not a medical question; it is a theological question.

Q. I asked you this question because you were just speaking from the philosophical point of view and I assumed that on the basis of your rich experience which you have demonstrated. Now, you are competent to judge this question in the field of philosophical and theological questions. That is why I asked the question. Would you please answer it?

A. I believe that the concept of release has to be discussed in further detail. Release is not only release from suffering and finally I must point out that I think it is a very questionable symptom of a modern human being when he can do nothing with human suffering but make the attempt to do away with this suffering. Herein, I think, is one of the most dangerous moments of the physicians of this time. The suffering up to the Nineteenth Century in the Western countries and in the entire cultivated world has had another meaning but only the meaning that that is to be eliminated.

Q. And what about the therapy of hopeless cases?

A. I don't quite understand your question.

Q. What do you think of hopeless therapy? If you are of the opinion that the therapy is hopeless, then what is to be done with the patients?

A. As long as a human being breaths, I as a physician would still try, even considering the most hopeless therapy when according to my practical experience I have to assume that it would be useless.

DR. FROESCHMANN: I have no further questions. Mr. President, may I answer a question of the Judge concerning the film "I Accuse"?

THE PRESIDENT: You may answer the question.

DR. FROESCHMANN: In Germany no film could be shown to the public without the approval of the Propaganda Ministry. Therefore, if the film "I Accuse", if the witness knows about this film, even by hearsay, then one can assume with certainty that this film had the approval of the Propaganda Ministry.

THE PRESIDENT: Are there any further questions of this witness on recross examination by defense counsel? Very well, the witness will be excused and the Court will recess until nine thirty tomorrow morning.

(The Tribunal adjourned until 28 January 1947, at 0930 hours.)

"CORRECTED COPY"

Official transcript of the American Military Tribunal in the matter of the United States of America, against Karl Brandt, et al, defendants, sitting at Nurnberg, Germany, on 28 January 1947, 0930, Justice Beals presiding.

THE MARSHAL: Persons in the Court Room will please find their seats.

The Honorable, the Judges of Military Tribunal I.

Military Tribunal I is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: Mr. Marshal, will you ascertain that the defendants are all present in the dock.

THE MARSHAL: May it please your Honor, the defendant Oberheuser is absent due to illness.

THE PRESIDENT: Have you any information, Mr. Marshal, as to whether the defendant will be absent for any period of time?

THE MARSHAL: I don't have any information as to whether it is temporary or permanent, sir.

THE PRESIDENT: Is counsel for the defendant Oberheuser present? Has counsel for the defendant any information on that point?

DR. SEIDL: (Attorney for the defendant Oberheuser): Yesterday evening I talked with the defendant Oberheuser. Yesterday evening she was still in the best of health. I assume that she is only temporarily ill. I do not have any more exact information.

THE PRESIDENT: It appears to the Tribunal that the temporary absence of the defendant Oberheuser from the Court Room will in no wise jeopardize her case. Is that the truth, counsel?

DR. SEIDL: That is also my opinion.

THE PRESIDENT: The record will show the presence of all the defendants in court save the defendant Oberheuser who is absent on account of illness. The only information given to the Tribunal is that this absence will probably be temporary, and as the opinion of the counsel for the defendant Oberheuser and the Tribunal is that her absence at

this time will not jeopardize the interests of the defendant Oberhauser, the trial will proceed. The Marshal will endeavor to procure further information by the opening of the afternoon session as to the physical condition of the defendant Oberhauser.

Counsel for the prosecution may proceed.

MR. McRAHEY: May it please the Tribunal, the prosecution would like to have the Tribunal take judicial notice of a motion picture film which was exhibited to the International Military Tribunal. The title of this film is "Nazi Concentration Camps". One part of this film, which originally ran some two hours, deals with the euthanasia institute, Hadamar, about which the Tribunal has heard considerable testimony in this case.

We have excerpted that portion of the film and we would like to read a certificate made by Howard J. McCracken. It reads as follows:

"I, Howard J. McCracken, Captain, Army, U. S. Serial Number 01055666, do hereby certify that: 1. I am on active duty as the officer in charge of the Reproduction Division in the Office of the Chief of Counsel for War Crimes, APO 124-A. I have held this position since the inception of the Office of Chief of Counsel for War Crimes under Brigadier General Telford Taylor and previously held the same position in the Office of Chief of Counsel under Mr. Justice Robert H. Jackson.

"2. The film which is about to be shown is a true and correct copy of extracts from the film "Nazi Concentration Camps", which was introduced in evidence before the International Military Tribunal in the case of the United States against Goering, Hess, et al, as USA Exhibit Number 79.

"3. Such extracts concerning the institution at Hadamar and were taken from the aforesaid film "Nazi Concentration Camps" under my direction and supervision. These extracts have not altered, distorted, or changed in



any manner. Signed, Howard J. McCracken."

"Subscribed and sworn to before me this 21 day of January 1947.

Florence M. Rowand, Captain, AG, Adjutant, OCS."

The film itself is otherwise self proving since it contains at the beginning of the film two affidavits by persons who were connected with the making of the film itself.

THE PRESIDENT: The Tribunal will take judicial notice of the film as suggested by counsel for the prosecution.

There being no objection to the showing of the film, the prosecution will proceed.

(An excerpt from the film "Bhai Concentration Camps" was then shown to the court.)

M.R. SCHUNEY: I would now like to submit for the approval of the Tribunal the certificate made by General Taylor with respect to the right of certain employees of the Office of Chief of Counsel to administer oaths for the purpose of taking interrogations and affidavits.

THE PRESIDENT: I will return the original certificate to the Secretary-General. Will you take this certificate.

(The certificate was handed to the Secretary-General.)

THE PRESIDENT: Have copies of this certificate been referred to Defense Counsel?

MR. McHANEY: Yes, they have, Your Honor, in German. The certificate reads as follows:-

"This certificate is made for the purpose of showing the authority of certain of the personnel of the Office Chief of Counsel for War Crimes to administer oaths and properly to attest these affidavits which were admitted provisionally by Military Tribunal I in United States against Karly Brandt, et al.

"Pursuant to Executive Order 9547, 2 May 1945, attached hereto as Tab A Executive Order 9679, 16 January 1946, attached hereto as Tab A No. 15 of the Office Chief of Counsel, 20 March, 1946, attached hereto as Tab C, General Order No. 301 of the Military Governor, 24 October 1946, attached hereto as Tab D, and letter USFET, 24 October 1946, Subject: Appointment of Chief of Counsel for War Crimes attached hereto as Tab E, I am authorized and have been since 29 March 1946 to prepare and prosecute charges of atrocities and war crimes against leaders of the European Axis Powers and their accessories.

"In the discharge of the responsibilities conferred on me by the above mentioned orders and instructions, I have authorized and detailed members of my staff who are engaged with me in the preparation and prosecution of cases, including attorneys, interrogators and other investigators and agents of the Office of Chief of Counsel for War Crimes to conduct interrogations and investigations and in the course of such interrogations and investigations to administer oaths.

"Among those whom I have authorized to conduct interrogations and investigations and to administer oaths, with the effective date of their authorization, are the following personnel of the Office of Counsel for War Crimes:

"Walter H. Rapp, U. S. Civilian, AGO Identification Number B-416367, Director of Evidence Division of the Office of Chief of Counsel for War Crimes, authorized 26 May 1946.

"Herbert H. Meyer, U. S. Civilian, AGO Identification No. A-441694, Interrogator, Evidence Division, Office of Chief of Counsel for War Crimes, authorized 15 July, 1946.

"Fred Redell, U. S. Civilian, AGO Identification No. B-432569, Interrogator Evidence Division, Office of Chief of Counsel for War Crimes, authorized 10 July 1946.

"Henry Sachs, U. S. Civilian, AGO Identification No. A-441698 Research Analyst, SS Division, Office of Chief of Counsel for War Crimes, authorized 15 July 1946.

"Guy Favarger, Neutral Citizen, AGO Identification No. 20071, Research Analyst, SS Division, Office of Chief of Counsel for War Crimes, authorized 15 October 1946.

"Alfred H. Both, U. S. Civilian, AGO Identification No. X-046254 Research Analyst, Economics Division, Office of Chief of Counsel for War Crimes, authorized 23 August, 1946.

"Rolf Gartenberg, U. S. Civilian, AGO Identification No. D-090064 Interrogator, Evidence Division, Office of Chief of Counsel.

Counsel for War Crimes, authorized 5 October, 1946.

"/Signed/ Telford Taylor, Brigadier General, USA, Chief of  
Counsel for War Crimes."

Attached to this certificate are certified copies of the orders and directions pursuant to which General Taylor is vested with authority to prepare and prosecute charges of atrocities against leaders of the European Axis, and I don't think it necessary that I read and analyze those orders.

I assume that the Court might wish to reserve its decision until it has had time to study the certificate in some detail and if Your Honors prefer, you can reserve your ruling until a later date.

I say that it may well be that Your Honors will prefer to reserve your ruling until you have had time to study the certificate so that will be entirely satisfactory to the Prosecution.

THE PRESIDENT: Has Defense Counsel had an opportunity to examine the certificate and the attached exhibits?

MR. McHANEY: Defense Counsel were furnished with copies of the certificate in German yesterday afternoon.

THE PRESIDENT: The certificates appear sufficient. Statements or affidavits filed by persons authorized pursuant to this certificate may be admitted in evidence.

Does Counsel for the Prosecution have a list of certificates admitted provisionally?

MR. McHANEY: Your Honor, I have a list of all the affidavits which have gone into the record, whether provisionally admitted or not, and this certificate includes the names of all persons who administered oaths in connection with those affidavits which were obtained by the Office of Chief of Counsel for War Crimes. I do not have those segregated as to the affidavits provisionally admitted and those finally admitted, but I will be pleased to have such a list prepared and submit it to the Tribunal.



THE PRESIDENT: Could that be presented by 1:30 this afternoon, do you suppose?

MR. Mc HANEY: I think we could do that perhaps this morning during the intermission. It might be possible to present the list.

THE PRESIDENT: Very well. Present that list at that time.

MR. Mc HANEY: I come now to one further document with respect to the typhus experiments carried out in Buchenwald Concentration Camp. This is Document NO 1314, which will be Prosecution Exhibit 433.

These folders which have just been passed to the Tribunal contain copies of the documents which will be submitted this morning and I think that they are arranged in proper order from top to bottom.

This is Document NO 1314, which will be Prosecution Exhibit 433. It is an affidavit by one Arthur Dietzsch, whom the Tribunal will recall was the assistant to Dr. Ding in Block 46 at Buchenwald, where the typhus experiments were carried out. The witness

Eugen Kogon so testified with respect to Arthur Dietzsch.

Dietzsch is now held in custody by the British and this affidavit was obtained from him. It reads as follows:

"I, Arthur Dietzsch, swear, depose and state:

"1. I was born on 2 October 1901 in Plauen i.V. I am a German national. My present address is Detmold (Lippe) Steinweg No. 4. I attended the following schools: 4 years public school, nine years high school. I was graduated in 1919 from the Kgl High School in Plauen i.V. On 1 April 1920 I entered the Reichswehr as a volunteer. On 1 October 1923 I was promoted to the rank of 2nd Lieutenant. My regiment was called up in 1923 in the action of the Reichswehr against the Secony government. At this time the Reichswehr was enlarged by students, temporary volunteers, and members of the Steel Helmet, the so-called Black Reichswehr. This organization was secret and maintained its own secret arsenals. Since I already sympathized with the goals of the Socialists at that time, I gave information about the Black Reichswehr and the secret arsenals to agents of the workers. During a search of the house of one of the KPD agents, my name was found among the papers. In order to escape indictment, I deserted from the Reichswehr on the same day. On 4 December 1923 I was arrested. On 26 May 1924 I was sentenced to 14 years imprisonment by the Reich Court for high treason. In 1925 my penalty was reduced to 10 years. From 1923 to 1928 I served my penalty in various prison forts.

"2. In the spring of 1933 about three-quarters of a year before the end of my sentence I was transferred to the Concentration Camp Esterwegen. From 1933 to 1937 I was lodged in several other concentration camps. In the summer of 1937 I was transferred to the Concentration Camp Buchenwald, where I remained until the liberation by the American Army. Not until then was I shown the protective custody order which stated as a reason that I must stay in the concentration camp because of urgent suspicion of activities against the State.

"3. In the summer of 1938 I was assigned to the infirmary as a clerk, where I handled the patients' card-index until in November or December 1941

I was thrown into the bunker for six weeks on account of alleged communistic activities in the infirmary. In January 1942 I was assigned as an assistant to Dr. Ding, alias Schuler. I worked for Dr. Ding until the camp was disbanded. My work consisted of the following: in administration and, from 1943, also as superintending nurse.

"4. In my capacity as administrator and superintending nurse for Dr. Ding's department at Buchenwald I gained insight into the records, including those which were classified strictly secret. Dr. Ding frequently discussed internal office matters with me. For the reasons stated above I am in the position to make the following statements:

"5. In January 1942 typhus stations were established in blocks 44 and 49 at Buchenwald concentration camp. In January a preliminary experiment was performed on about five persons. At the beginning of February the first large experiment took place, which involved about 150 persons. These people were divided into five groups. Four groups received protective vaccinations which were administered by the nurses of the stations. One group

received the Weigl, one group the Behring I, and one group the Behring II vaccines. I can not recall the name of the vaccine used for the fourth group. The fifth group received no protective vaccination and served merely as a control group. At that time a medical commission came to Buchenwald, which inspected also the typhus station headed by Dr. Ding. As far as I recall, this commission consisted of three to four people. Just for curiosity's sake, I asked Dr. Ding for the names of these gentlemen. Of those names I still remember the following: Professor Gildemeister, President of the Robert Koch Institute in Berlin, and Professor Rose, Medical Advisor to the Luftwaffe in Berlin. Since at that time Dr. Ding was not sufficiently familiar with typhus infection, Prof. Gildemeister carried it out himself. The infection matter for the above described experiments came from the Robert Koch Institute in Berlin and consisted of rickettsia cultures cultivated on an egg yolk. For these first experiments Jews were used almost exclusively.

"6. In May 1942 after termination of the experiments, Dr. Ding made a report in which he put down in writing the findings of the experiments. At about the same time I read those entries in the files I found on the first page entries regarding a meeting of physicians that had taken place in Berlin. I recall the entries regarding medical meeting as follows:

"In this meeting in November 1941, in which Professors Handloser, Schreiber, Gildemeister, Mrugowsky, Rose, and Dr. Ding took part, it was decided to perform vaccine experiments on human beings, since animal experiments had not produced any decisive findings. Dr. Ding is to be charged with carrying out the experiments. The Buchenwald Concentration Camp is considered the most suitable for these purposes. Dr. Haven is appointed deputy. The above mentioned names are the only ones I still recall, but there were several other names mentioned, which, however, have escaped my memory. After having read the above mentioned entries, I asked Dr. Ding sometime later who these gentlemen were. He told me that Handloser was the Medical Inspector of the Wehrmacht, Gildemeister, the President of the Robert Koch Institute in Berlin, Mrugowsky the Chief of the SS-Hygiene Institute in Berlin, Rose Medical Advisor of the Luftwaffe. Schreiber's function has escaped my memory.



"7) Late in the summer of 1942 the experimental stations 44 and 49 were disbanded and block 46 was established instead. In the beginning of 1943 block 50 was established. Both blocks carried the name Hygiene Institute of the Waffen-SS Department for Typhus and Virus Research Buchenwald. I remember this name from a sign put at the entrance to block 50. Dr Ding designated block 46 as the clinical department and block 50 as the research building proper.

"8) Altogether about 1000 persons were used for the experiments, about 100 of whom died. These figures include all the experiments carried out at the Typhus station. To these experiments belong typhus, typhoid fever, phosphorous burns, testing of a combined inoculation for smallpox, typhus, typhoid fever, jaundice, diphtheria, and various other vaccines. At the beginning of 1945 Dr. Ding came and asked the station clerk, a Pole by the name of Gudzinski, to make a list of all the sick and dead who had gone through the station. It is from that list that I remember the above mentioned figures.

"9) All persons used in the experiments had to be completely healthy and of draft age. If persons came to the station who did not fit the physical-

THE PRESIDENT: Just a moment, Mr. McManey, please, sir. Some of what you are reading seems to be missing from this document. Will you read more slowly?

R. McMANEY: If the Tribunal please, I must apologize for this copy which you have. I am reading from the original translation which is quite readable. Apparently this was done by some German person not too familiar with the English from the number of omissions. I will read slowly, beginning with number 9.

"9) All persons used in the experiments had to be completely healthy and of draft age. If persons came to the station who did not fit the physical qualifications they were first fattened so that they approximated the health level of the Wehrmacht.

"10) Reports on the carrying out of all experiments as well as the details of others were sent to the Hygiene Institute of the Waffen-SS in Berlin

There is a line omitted there too.

"These reports contained also the numbers of persons who died from the experiments. Dr. Ding told me once that all these experiments were carried out on commission of the Wehrmacht. According to his version, Dr. Ding was on good terms with Dr. Gensken, Medical Inspector of the Waffen-SS. Dr. Gensken was the superior of Dr. Krugowsky, the head of the Hygiene Institute of the Waffen-SS in Berlin, who was again the superior of Dr. Ding.

"11) I remember the following visits which were made to the Typhus station in Buchenwald: Prof. Gildemeister, Prof. Rose, Dr. Krugowsky, Dr. Eger. The above named persons I saw myself in block 46. Dr. Eger was, according to Dr. Ding, the head of the Wehrmacht Institute of the DM in Gdansk. According to Dr. Ding, the following people visited the Concentration Camp at Buchenwald: Dr. Gensken, Dr. Brandt, personal physician of the Fuehrer. I personally have seen many other high ranking personalities in Buchenwald, and have heard of others who visited this same camp, whose names escape me.

(Signed) Arthur Dietzsch

26 December 1946

JUDGE SEHRING: Mr. McHoney, are you going to be prepared to furnish the Tribunal with German copies of this, as well as the English?

MR. MCHONEY: Yes, we will.

DR. SERVATIUS (Attorney for Karl Brandt): Mr. President, I request that I be permitted to bring the witness here for cross examination. I shall make the appropriate request in writing. The witness is located in the Camp of Stahramchlen in the British Zone of Occupation and he has given this affidavit there in Detmold. Therefore, it should be possible to have him brought here.

THE PRESIDENT: The Tribunal will consider this when the request is received.

MR. MCHONEY: I might say on that point that Prosecution will resist or object to the calling of Arthur Dietzsch to Bamberg. The only term I think which the defendant Karl Brandt could show much interest in this affidavit is the statement that he was in Buchenwald. That statement is based not on personal observation of the affiant, as is clearly stated in the affidavit,

but to the statement made to the affiant by Dr. Ding. I submit no additional light will be shown on any matter by having him in this court room. If Defense Counsel feels it necessary to investigate any other points further I submit interrogatories will meet the situation. We have heard the testimony at great length of Kogon and Ferdinand Rochkind in connection with these experiments and I think it not necessary to call this affiant to Harberg who is in the British Zone of Occupation.

THE PRESIDENT: The application for the attendance of this witness will be submitted to Prosecution. Prosecution has stated its objections.

R. McHEEY: I come now to the presentation of four exhibits which are excerpts taken from reports made by the Military Medical Academy. The Tribunal has heard mention of this Academy several times before and you will recall it was under the direction of the defendant Sandloser. It was an institute which held meetings periodically from the last of 1941 on at which gathered the foremost military medical persons in Germany. It is not to be expected, of course, that the reports which were circulated by the Military Medical Academy would contain the details of the criminal experiments about which the Prosecution has here submitted proof. These reports were, I assume, rather widely read and do not even carry a stamp of "secret". However, the reports do indicate that papers were read to the meetings of this academy concerning some of the experiments about which proof has been here submitted. And, the Tribunal will recall with respect to the sulfanilamide experiments that the defendants Gebhardt, Fischer, and Oberhuser, particularly, participated; that the affidavit of the defendant Fischer explicitly states that the report made of the Military Medical Academy in May 1943 did explain how the experiments were carried out and upon whom they were carried out. You will also recall that the witness Kogon testified that Dr. Ding had given a report on the typhus experiments at the same meeting of the Military Medical Association in May 1943. These documents will corroborate the statements made by this witness and work by the defendant Fisher.

The first excerpt is from a report on 1st Congress of Consulting Experts. That is, of course, the Military Medical Academy, from the meeting of 18-19 May 1942.



DR. NELITZ: (counsel for the defendant Handloser): Mr. President, Mr. McHaney is just about to present several documents. They are excerpts from the printed report about the meetings of the consulting physicians. The Tribunal knows that Mr. McHaney has already mentioned the meetings of the physicians as typical meetings of conspirators. He has described them in this way. In that, General Taylor also, in his opening speech, cited these meetings as evidence for the conspiracy. Because of the special importance of these meetings, which result in these charges, I, as defense counsel for the defendant Handloser, who called and presided over these meetings, I had made the request that the printed reports about these meetings from 1940 to 1944 be made available to me. The General Secretary informed me on the 8th of January, that these reports of the meetings were in the hands of the prosecution and that they would be handed to me 24 hours prior to their presentation by the prosecution. In accordance with this, I assumed that the reports of the prosecution would be complete reports - altogether, four volumes - and that they would be presented as one. The High Tribunal, in this important charge of the accusation which concerns all of the defendants, should see the reason, the importance and the contents of these meetings correctly. That is not possible if excerpts are being presented, and the defense believes that the presentation of the records of the meetings should be presented in their entirety, and that they will counter the charges of the prosecution, that this case deals with a collaboration for the purpose to commit crimes; that is, illegal medical experiments.

Mr. McHaney, himself, has just told you that these printed reports do not even bear the stamp of "Secret", but that they were just mailed by ordinary mail. I have requested the records of the meetings, and the records of the meetings have been brought here. It is not sufficient for the defense if the prosecution only presents excerpts from these records of the meetings. I therefore request that I be given the possibility to present the entire printed reports about the meetings of the consulting physicians. I would naturally also agree if the pros-



cution would present all the reports. I hope that these reports will be presented to the High Tribunal in such a way -- that is, in a good translation -- so that it will see from the entirety of these documents and will gain the impression which the defense wants to present, and therefore I object to the presentation of excerpts from the entire documents, if I am not given the possibility to present the entire documents as evidence.

THE PRESIDENT: I ask counsel for the defendant Handloser if the entire report has been submitted to him?

DR. MELTZ: The records of the meetings have not been made available to me by the prosecution. Through friends, I have personally received two of these reports of meetings.

DR. MCRAINEY: May it please the Tribunal, the prosecution, of course agrees with the proposition that defense counsel now has the right to put into evidence any other portion of these reports that he cares to. However, the prosecution did not feel that it was under any obligation to submit these reports to the defense counsel until the prosecution had made its own use of the documents. These reports consist of four bound volumes, running from 176 pages, up to the largest one, of 345 pages, all written in very technical and difficult German. It would be unreasonable to a very great degree for us to impose upon the Translation Department and on the Court, to have these documents translated in their entirety. As the Tribunal will see, we are interested only in a very small portion of the documents. We're perfectly willing to concede that the Military Medical Academy was concerned with a great number of non-criminal medical activities. We're simply taking out those portions which we think are pertinent to this case. These volumes are on loan to the prosecution from the Aero-Medical Center in Heidelberg, and they cannot be put in evidence for the reason that they must be returned to that organization. We will, today, place these volumes in the custody of the Defendants' Information Center, on the understanding that they may not be removed from that room except for purposes of translation, or photostating because they must be returned to the

Aero-Medical Center.

JUDGE SEBRING: Mr. McHaney, does the prosecution assert to this Tribunal that it has placed in evidence only such excerpts as it, in good faith, believes is material to the issue, and as correctly reflecting the attitude of this group concerning the point in issue?

MR. McHANEY: Yes indeed, Your Honor. We have expended as much time as we can in reviewing these volumes as carefully as we can. Of course, from the viewpoint of the prosecution, we have extracted everything which we think is pertinent to the prosecution's case. As I state, there are a great number of matters dealt with in these volumes which concern other medical research - - other medical activities - - of the military medical officers in Germany. The meetings as I understand it, the meetings consisted of a number of groups of doctors, divided according to the activity in which they were particularly interested - hygiene, for instance - surgery is another example - and before these groups, reports would be made by doctors who had been commissioned to carry

out certain medical tasks. These reports would then be digested and included in those reports, and, in turn, of course, medical instructions as issued by various branches of the Wehrmacht would be based, to a substantial degree, upon these reports. For instance, "How to treat people who are severely frozen." Instructions would be issued based upon research as carried out, for example, by Rascher, Holzlochner and Finke in Dachau, and, as the evidence will show, Holzlochner made a report to the meeting of the Military Medical Academy, in December 1942, about the experiments in Dachau. We have extracted only those portions which we think are pertinent to our case.

JUDGE SEBRING: I don't know that you catch my point. Have you extracted only such portions as you think were favorable to the attitude of the prosecution or can you assert that you have all material portions bearing upon the issue at hand, whether they may appear favorable for the prosecution or for the defendants?

MR. McHANEY: If I understand your point, we have extracted all matters, for example, dealing with the sulfanilamide experiments, as carried out by Gebhardt, Fischer and Oberheuser. We did not pick out part of the report herein contained on the sulfanilamide experiments at Ravensbrueck and take only part of that, and not extract it all. Now then, there may have been other reports on other sulfanilamide experiments, unrelated to these, which were reported at the same meeting, and which we would not extract. I give that as an example. I don't know that there were. I do know that there were other talks, for example, on cold problems, at the meeting in December of 1942. We extracted only that portion of the cold report as given by Holzlochner because that is the only matter on cold with which this trial is concerned. I think there were other talks by other people, on methods of treating exposure to cold.

DR. NELIE: Mr. President, I believe that I have understood Mr. McHanev correctly, if he states that he has only selected and presented those excerpts which, in his opinion or in the opinion of the prosecution, would serve in sustaining the accusations, and of those which can also serve for the defense; that is, in this case, for the realization of the proper importance of all the actions which were committed. A brief review of the excerpts which are

to be presented will show that not even the excerpts show completely the discussions and speeches, but that, from these reports, only individual sections were selected, of which it is believed that they would serve in sustaining the accusations. But just these excerpts from reports prevent that the entire impression of these meetings can be translated to the Tribunal. If, in this case, there are only individual actions concerned, then perhaps I could understand the point of view of the prosecution. However, just in the case of these reports of the meetings, the supposed conspiracy and the alleged conspiracy is involved, and allegedly, typical meetings of conspirators, who are planning medical crimes, but this accusation which is the first, you will not be able to get the proper impression if you do not only hear individual excerpts or individual reports, but if you are presented with the meetings in their entirety. And it is for this reason that I request that I be permitted to present all the records of the meetings, so I may assume that the prosecution has not accidentally referred to the parts of the excerpts which can be used in sustaining the accusation, but this can only happen if all the reports of the meetings have been read and translated.

Therefore, there must be translations of the records of these meetings. And, therefore, I have pointed to the Aero-Medical Center in Heidelberg, where these reports of the meetings were being kept. I am certain that translations of these documents can be found.



BY THE PRESIDENT:

These four volumes of the printed report will be made available to the counsel for the defendants; they may read them and study them. If Counsel for the Defense are of the opinion that the translations offered are incorrect, or incomplete, or in any matter imperfect and does not express the true sense of the meaning, counsel for the defendants may present that matter to the Tribunal. Upon the opening of the defendants' trial, counsel for the defense may offer in evidence any further translations of these documents which they desire to offer and which are pertinent to the inquiry before the Tribunal. The Tribunal would not direct this burden of translating all these four volumes of reports, unless some reason appears certain portions of them should not be translated. If translations in English language of these volumes exists, and can be made available, that might be done, but whether such translations exist or not, of course, the Tribunal is not advised. Part of the defendants' own case, in representing their defense, is in the presentation of evidence and portions of reports which they deem to be material to it, and they should throw some light on the situation to the defense counsel. Does that answer Counsel's question?

DR. MELTE: May I ask the President one question? If it should be possible for me to find these four volumes of the report and have them made available by friends of the defendants, would I then get the approval of the Tribunal, if I should offer it as evidence in its entirety?

THE PRESIDENT: The Tribunal will not be inclined to admit in evidence four printed volumes in the German language, but counsel, the volumes being available to him, can of course, read and study them to any extent which he desires, and then may offer in evidence any portions of the documents, translated in the English language, which he deems pertinent to his case. Of course it is manifest to everybody that these volumes contain much material which would be entirely immaterial to the matter now pending before this Tribunal. It seems to the Tribunal if the Counsel has these volumes available to him, which we are sure they

Court I  
28 Jan-4-GE5-6-1-Sampson

will be, upon reading those volumes he can take portions of it, or  
improper translations, or incomplete, or that do not contain

or convey the true sense of the meaning, remedy is available to him of offering supplemental or more complete translations on any of the extracts from these documents which he deems pertinent to his case, but it would not permit entry of four printed volumes in the German language, a large proportion of which would manifestly be immaterial to this inquiry.

BY MR. McELNEY:

The first excerpt is Document ND-921, which will be Prosecution's Exhibit No. 434, and it is from the Military Medical Academy meeting held on 18 and 19 May, 1942. We have here only a very short excerpt concerning a report made by the defendant --

JUDGE SEBRING: Where do you find that date?

MR. McELNEY: It is not on the copy; it was left off.

THE PRESIDENT: It is important for Defense Counsel to know the date and page of the document.

MR. McELNEY: It is on page 76 of the original; I will pass it up to the Tribunal; the second page from the top. The date is on the front of the booklet.

JUDGE SEBRING: Is the date 19 May, 1942, or 18, 19, or does that purport to cover everything in that book?

MR. McELNEY: Yes, that is correct, your Honor. That is a report on the meeting held on those two dates and it is a summary of talks and papers submitted to that meeting. This excerpt is not offered on the ground that the matters here reported are purely criminal. I will read it first: "Lugowsky indicates that, according to his investigations, Saigne seems only to appear in Southern Russia, but this may change again. Protective vaccinations against dysentery, as performed on 12,400 individuals in concentration camps, proved the complete inefficacy of the absorbat-vaccine from the Bearing works, but dysbacta administered to 11,000 individuals and the vaccing of the Saechsische Serum Werke administered to 3,000 as well as dysperon administered to 4,000 individuals had a very good effect. Success was only judged though, on the basis of whether or not an epidemic in a

camp stopped or continued. Said-vaccine was not tested. Phagen (Behring works) was administered to 12,000 individuals three times 10 cubic centimeters a fortnight, with very good results." We simply submit this to show that it was reported at these meetings that various vaccines and experiments were being carried out on concentration camp inmates, and here they mention a very large number. We do not offer this to show that the particular matter with which they are dealing was a criminal experiment; I don't know. It appears they were simply testing vaccine. We offer it simply to show that the report was made that they were testing vaccine as a matter of course on concentration camp inmates on a very large scale.

The next document, 80-922, which is a report on the second meeting of the consulting physicians is from:

BY THE PRESIDENT:

The Tribunal will recess for a few moments.



THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: Before proceeding, Mr. McHoney, I desire to read some matters into the record. The Tribunal has received the following:

"28 June.

"Defendant Oberhueser is suffering from anal fissures. She is being treated now and it is very likely that she will be able to attend court tomorrow or the next day."

"Dr. Roska, 1st Lieutenant, Medical Corps, Prison Physician"

I have also received the following:

"Murnberg, January 23, 1947

"Horst Pelckmann, Attorney-at-Law, Defense Counsel for Dr. Schaefer.

"Mr. President, Military Tribunal I, Secretary General, Murnberg,

Dr. President:

"Owing to proceedings in Kempten (Bavaria) which cannot be postponed because important witnesses have to go back to the United States, I am unfortunately prevented from presenting the opening statement myself during the dates 28 - 31 January. I entrusted this to my collaborator, Herr Emschenbach.

"I kindly request you to excuse my absence from the sessions."

(signed) "Pelckmann"

Those matters have been noted for the record, the original documents filed with the Secretary General.

The prosecution may proceed.

MR. MCHONEY: The next document is MO-922, which will be Prosecution Exhibit 436. This is a partial translation of the report on the 2nd Meeting East of Consulting Physicians, from 30 November to 3 December 1942, at the Medical Academy, Berlin. The first part of the excerpt which I wish to read is the foreword contained in the report written by the Defendant Handlocher. It reads as follows:

"From 30 November to 3 December 1942, the '2nd Work Conference East' took place in Berlin. The conference was held for the first time under the sponsorship of the Wehrmacht and combined leading medical officers.

consultant doctors, and specialists from all branches of the Wehrmacht, as well as Waffen SS and organizations and associations attached or subordinate to the Wehrmacht.

"As in the First Work Conference East in May 1942, the object was to carry out, within small groups of consultant physicians of various special branches, a study of the recently decreed medical conclusions and directives in the sphere of medical sciences. The second winter of war on the Eastern Front was before us. It was thus essential that during this conference also, urgent problems which arose out of the experiences of the first winter on the Eastern Front, be discussed. As a result of the participation of numerous medical officers and consulting physicians of all branches of the Wehrmacht as well as the Waffen SS and organizations and associations connected with and subordinated to the Wehrmacht, the scientific conferences were particularly stimulated, especially in relation to those subjects concerning which a solution to certain scientific problems resulting from the peculiarity of the service conditions within the various branches of the Wehrmacht, was found.

"The cooperation of the specialist on internal medicine with Physiological Chemical Institute of the Military Medical Academy resulted in valuable conclusions which require special mention and which are of particular importance to the diet of soldiers in peace and war, regarding scurvy. These conclusions showed that our opinions concerning malnutrition require revision, particularly in regard to those in the form of hypovitaminoses.

"The world wide character of this war, the various climates in which combat of greatest proportions is being carried on, have more and more drawn the geo-medical point of view into the field of debate. Tropical diseases, where they appear, have come to be recognized by the troop doctors and have entered the realm of research by consultants in regard to their importance, diagnosis and clinical treatment.

"Thus this conference brought about the treatment of many and various problems. In certain respects, in its diversity, it reflects the events of the war in 1942, which took place on the lands of three continents.

"The notes on the contributions and discussions had to be shortened. They are herewith handed to the leading medical officers and all of the consulting physicians. Where the guiding principles, which were worked out on the various themes, require alteration in the existing information leaflets of the require alteration in the existing information leaflets of the H. DV. 209; this will be taken into account in later publications of the leaflets. The publication of cover notes is not intended, especially since essential changes are not found necessary as a result of the conference. Action should already now be taken in accordance with the conclusions reached at the conference, providing no fundamental organization changes are required.

"The Army group doctors, the Army doctors, leading medical officers, as well as consulting physicians, will devote their attention particularly to the practical application of the scientific conclusions reached at the conference. A small number of booklets is enclosed for the large army hospitals."

This little foreword indicates that the research, which was being carried out under the auspices of the Wehrmacht and reports of which were made to the Military Medical Academy were not ship-shape matters, but things which required the closest scrutiny and attention of Dr. Handloser himself, because, on the basis

of this, research instructions and orders were issued according to which various patients of the army, navy, air force, etc., were to be treated. This foreword is signed by Dr. Handloser.

Following that we have an address by the Chief of the Medical Services of the Wehrmacht, whom of course was the Defendant Handloser and it reads as follows:

"Gentlemen: The demands and extent of this total war, as well as the relationship between needs and availability of personnel and material, require measures, also in military and medical fields, which will serve the unification and unified leadership. It is not a question of 'marching separately and settling together', but marching and settling must be done in unison from the beginning in all fields.

"As a result, as concerns the military sector, the Wehrmacht Medical Service and with it the Chief of the Medical Services of the Wehrmacht come into being. Not only in matters of personnel and material -- even as far as this is possible in view of special fields and special tasks, which must be considered -- but also with a view to medical scientific education and research, our path in the Wehrmacht Medical Service must and will be a unified one. Accordingly, the group of participants in this Second Work Conference East, which I have now opened, is differently composed from the First Work Conference in May of this year. Then it was a conference of the army; today the three branches of the Wehrmacht, the Waffen SS and Police, the Labor Service and the Organization Todt are participating and unified.

"Gentlemen: You will surely permit that I greet you with a personal welcome and with the sincere wish that our common work may be blessed with the speed for joint success.

"I would, however, like to extend a special greeting to the Reich Chief of Health Service, Under Secretary Gintl, who holds the central leadership of medical services in the civilian sector. I see in his presence not only an interest in our work themes, but the expression of his connection with the Wehrmacht Medical Service and his understanding of the special importance of the Wehrmacht in the field as well as well as at home. I need not emphasize that we are as one in the recognition of the necessity to assure and ease the mind of the soldiers that he need not worry about the physical well-being of the homeland as far as this is within the realm of possibility in wartime/



"In consideration of the enlarged composition of today's group of participants, a short review of the fields covered by former war conferences is required.

"January 1942.

"Care of wounds, infection of wounds. -

"Blood transfusions under combat conditions. -

"Injuries caused by chemical warfare agents. -

"Dysentery. -

"Neurosis, psycho-pathology and organic ailments. -

"Transportation of wounded. -

"October 1940.

"Gas edema; prophylaxis and therapy.

"December 1940.

"Protective vaccinations; typhus, dysentery, combined vaccination."

I would like to remark parenthetically that as early as December of 1940, they were interested in typhus vaccinations and the Tribunal will recall that the so-called Commission on Typhus met in December of 1941 and set up the experimental series, which were carried out during the following four years at Buchenwald.

"May 1942.

"1. Work Conference East.

"Experiences, which too war in the East, the expanse of the Russian territories, the cultural conditions in Soviet Russia and its population, the relatively limited means of communication in Eastern Europe and, last but not least, the always present danger of diseases which may sweep in

from the Asiatic area, but in particular which the Russian winter sent us, make it necessary that the following themes be considered at this Work Conference East:

"Amputation technique - brain wounds and their care.

"Coordination of neurology and surgery.

"Chemo-therapy on wound infections.

"Transportation of wounded.

"Typhus, Wolhynia fever, recurrent fever.

"Bacillary and amebic dysentery. Typhoid.

"Diphtheria. Tularemia.

"Acute nephritis.

"Freezing.

"Lowering of resistance.

"Handling of psychic reactions.

"Sulfonamide treatment of neurological ailments.

"Now, it is interesting to consider the themes of today's conference necessitated through the further development and the continuation of the hard war in the East.

"As concerns surgery questions and experiences are concerned with the field of abdominal surgery, the treatment of lung shots, jaw shots, shots in joints, fractures of the thigh and the surgical treatment of severe freezing. The internists put hepatitis epidemica and war nephritis in the foreground.

"Of course tuberculosis requires greater attention in the fourth year of the war. Dermatologists and forensic medical men have been newly added since the last conference. The dermatologists, not because venereal diseases have particularly increased, which happily is not the case, but their work will be essentially in connection with questions concerning care after freezing. The forensic medical men have particularly weighty tasks. Their work, which is a necessary support for legal findings, is naturally of greater importance in the fourth year of the war than it was formerly. Their impending placement within the army groups will require special handling. The work of

the hygienists and tropical-disease hygienists will be concerned, among other things, with wounds, diphtheria and malaria. Oberkriegsarzt Professor Kliewe will inform you about the necessary knowledge of particular, until now never discussed, preparations of our enemies."

That, if it please the Tribunal, is a reference I submit with reference to biological warfare, as you will recall that Kliewe's name appeared on several Documents concerning biological warfare.

"The pharmacologists, who were not represented at the previous War Conference, have again been called into service, since it is vital in the fourth year of war to recall essential questions concerning the treatment of injuries through chemicals."

That being in reference to Chemical warfare.

The tuberculosis specialists are also newcomers. Fundamentally they work together with the pathologists and physicians. Careful pertinent examinations, which have been carried out during the war, have thrown much light on tuberculosis among colored people, who formerly had seldom or never come into contact with the disease, as also on the effects of war conditions on the development of lung tuberculosis among our soldiers and, in close connection therewith, the problems of reduced effectiveness of personnel and the evaluation of matters of provisions are extremely important and will be discussed.

"The war has led our troops into places, which present many problems in deserts and salt steppes, in regard to the possibility of water supplies for large masses of people. Chemical testing of water and storage of drinking water have necessitated special arrangements for this purpose. But the evaluation of foodstuffs from the point of view of chemical nutriment, qualitative and quantitative examination also become important when one remembers the many various maintenance difficulties which are brought about by the great distance from the homeland of the theaters of war, the limited means of transportation, and the climatic influence of heat and cold. Of particular importance is the question of the value of prepared foods, for example, the question of effective nutrition; the necessity of the classification of

foodstuffs in simple form with a view to their qualitative value.

"As during the last Work Conference, all problems will be decided and measures and guiding principles will be established in accordance with present day knowledge. I consider it most important that the basis for orders and regulations in the field of medical science be created among the consulting physicians here in the homeland and outside with the troops at the fronts, and that German medical science be the surer wide basis on which the health operation of the army stands, and in this way does its best to maintain the combat power of the Wehrmacht.

"Again a Russian winter with all its difficulties and endless dangers lies before us. We enter it better fortified than last year. We are rich in experiences gained during the last year, and it can hardly be more difficult than the winter of 1941-42. Our army is equipped with a winter outfit thought out in every detail. The foresighted precautions taken against typhus are particularly extensive. Besides well functioning big delousing institutions, numerous similar installations have been erected, which allow for the decentralization of the combatting of lice. We have been successful in greatly increasing the production of typhus vaccine, and now methods have been begun in the production of vaccine which promise even greater accomplishment."

And, I could say that was not done without the experience gained in the pest-hole of Buchenwald.



"The malaria prophylaxis with atabrine has proved itself in every respect and has kept the army at combat strength in particularly malaria-infected regions. Rich experiences could be gathered particularly in this field, and the work of general hygienic combating of malaria and establishment of sanitary conditions in the area, which has been carried out during the course of the summer in the malaria regions, is especially extensive. Exhaustive inquiries into the malaria conditions in the various theaters of war were necessary in order to make studies which concern themselves not only with the land but also with people, and which led to the determination of spleen indices in children in the territories in question. The laboratory train and the High Command of the Army, as well as the motorized laboratories of all branches of the Wehrmacht, and the malaria education troops, together with the consulting physicians, have performed distinguished work, the worth of which will be of value to the indigenous populace in the areas in question long after this war.

"The combating of diseases in the various theaters of war has brought about special accomplishments. Its basis had to be medical topography. The first part of the recently published disease atlas will encompass all territories which might conceivably come into consideration as theaters of war. It will be placed at the disposal of all branches concerned as a basis for their work. If, for obvious reasons, it is to be withheld from open sale for the present, it will nevertheless be placed at the disposal of German universities and clinics at this time as a means of education of the students, and thereby as a preparation for their future war tasks. In war the soldier has to look forward; also the doctor who is part of the Wehrmacht as a soldier. After three years of war, however, I had to look back, particularly before this group and review the work of the past year. A deep-rooted understanding must exist of the peculiarities inherent in medical science and soldierly ways. The paths which soldier and doctor must take can be very different; in the medical officer the necessary synthesis must be found so that the never-varying goal may be reached in the quickest way."

That is not, in fact, the end of the speech made by Handloser at this

meeting of the Military Medical Academy in December of 1942. It continues two pages beyond where I have just left off. You see page 8 of original at the top continued over on the next page and ends at the top of what is noted at the bottom as page 3. This translation has been very poorly put together. However, I shall not read this last portion of the speech but will instead go to what is noted as page 3 of this translation.

Does the Tribunal find that? The pagination is at the bottom of the page in the middle of page 3 which is on page 48 of the original document. We have extracted a synopsis and a report given by Stabsarzt Professor Holzlochner. The Tribunal will recall that Holzlochner was the man who cooperated with Rascher and Finke in carrying out the freezing experiments in Dachau, and they took place during the late autumn and early winter of 1942, and here Dr. Holzlochner is making a report in December 1942 on the results of his experiments at Dachau. Holzlochner was a doctor of the Luftwaffe. The extract is headed "Prevention and Treatment of Freezing."

"In case of freezing in water of a temperature below 15°, biological, countermeasures are practically ineffective, whether in the case of human beings or animals. Human beings succumb to reflexory rigidity, increase of blood sugar and acidosis, at an earlier stage and to a greater extent than animals. At a rectal temperature of below 30° under such conditions of distress at sea auricular flutter regularly sets in; at under 28° heart-failure frequently occurs in human beings. (Over-exertion due to unequal distribution of blood, increased resistance and increased viscosity.) Treatment with drugs is senseless and has no effect. In the cases of human beings best results are also achieved with hot baths. The foam-suit was developed as a prophylaxis against freezing in water below 15°."

Of course, it is impossible to know precisely what Holzlochner said in his talk before the Military Medical Academy on freezing, but we submit that even from this short paragraph which was reported in the book, that it must have been apparent to those who were listening to Holzlochner's report that he had in fact carried out experiments on living human beings. He gives rather detailed clinical observations here, even going to the extent of

stating the temperature at which a man will die.

I submit that it must have been known to those men that experiments were carried out, even if Holzloehner said little more than this one paragraph digest we have of his talk.

Below that extract of the report given by Holzloehner we have comments made by Handloser, Bremer, Hippke, Jarisch and Buechner. Hippke, Jarisch, and I think, Buechner were certainly all doctors of the Luftwaffe and the Tribunal will recall that Hippke was the very man who, together with Milch, commissioned these freezing experiments on the part of Rescher, Holzloehner and Finke, who at that time were all Luftwaffe doctors. So I submit also that the presence of Dr. Hippke, Dr. Jarisch, who was also suggested by Hippke to cooperate in those experiments, and Buechner, shows that we have a number of men present at this meeting who very well knew the manner in which these experiments were carried out at Dachau.

I do not want the Court to understand that these remarks by Holzloehner, Bremer, Hippke, and so forth were specifically directed to the talk given by Holzloehner. In addition to Holzloehner's talk on freezing problems an additional report was given by Oberfeldarzt Professor Schulz, Professor Lendle,

and after those three papers were read, apparently then came the comments by Handloser and the other man.

The extract on Handloser's comments reads:

"Handloser stresses the extraordinary importance of education also in combating cold effects and appeals to all medical officers, in their capacity as leaders of the health service, to see to it that through over repeated explanations each individual is taught to observe the necessary precautionary measures."

Brumer said: "The importance of the status sytrephicus, which very often is the cause of constitutional susceptibility to freezing of the extremities is pointed out." And then he continues with comments on frostbite.

Hippke said: "In all cases of injury to the general health, through freezing it is important to follow up the administering of a hot bath and the restoration of the normal functioning of the skin with body massage. Heart remedies are unreliable, likewise other remedies. It is difficult to determine the intensity of short wave treatment."

And, of course, Hippke's comment is based upon the report made by Reicher, Seizboehner and Fink who had tested these various methods of rewarming, such as the hot baths, body massage, heart remedies with drugs and also this short wave treatment.

I turn now to page 11 where, under the heading "Hepatitis contagiosa (contagiosa)" we find a report by Oberfelderzt Professor Gutzeit.

THE PRESIDENT: The pages in these documents are not numbered.

MR. MC HANEY: You do not find page 11? At the bottom of the page, in the middle.

THE PRESIDENT: I have found that. I will ask now is it the purpose of the Prosecution to make this into a document book and number the document book?

MR. MC HANEY: No sir, we probably shall not put the documents which I am now submitting into a document book. I would suggest that they be kept in the folder which has been furnished the Tribunal and simply insert the exhibit numbers on the top of each document.



28 Jan 47-M-FJC-9-2a-Minebuck  
Court No. 1

The Tribunal will recall that in the proof on the epidemic jaundice experiments that the name of Gutzeit was mentioned, or I think he signed a letter which went into evidence concerning certain hepatitis epidemic experiments. You will also recall that Dr. Dohren carried out experiments in the Sachsenhausen Concentration Camp under the direction of the defendant Brandt.

I simply wish to point out that in the 1st paragraph of this talk by Gutzit on epidemic jaundice, that is to say, on Page 15 -- that is the last page of this document -- he says:

"I shall not discuss the pathological anatomical as well as the current etiological research which was carried out by my collaborators Oberarzt Dr. Voegt and Oberarzt Dr. Dehnen by means of liver punctures and animal passages."

This excerpt was submitted simply to show the close relationship and collaboration between particularly Gutzit and Dehnen and derivatively the Defendant, Brandt.

I turn now to Document NO-923 which will be Prosecution Exhibit 436. This document contains excerpts from the report on the Third Meeting of Consulting Specialists held on 24 to 26 May 1943 at the Military Medical Academy, Berlin. On page 43 of the original we find the much-discussed report made by Goblhardt and Fischer on the sulfanilamide experiments carried out at Ravensbrueck. It reads as follows:

"SS Gruppenfuhrer, Lt. General Professor Goblhardt and F. Fischer: Special experiments on effects of sulfanilamide.

Conclusions: (1) Suppuration of the soft parts of the body caused by bacteria cannot be prevented even by immediate administration of sulfanilamide. (2) The course of the inflammatory disease of aerobic producers of abscesses and phlegmons could not be demonstrably influenced by sulfanilamide. Combined treatment of gas-gangrene made the impression of causing an easier course under the influence of sulfanilamide. (3) Surgery continues to be necessary in the control of inflammations.

Supplementary notes: Powdering of wounds with S.A. powder may be detrimental if as a result fundamental laws of surgery are violated; for example, if the basic layer of powder does not dissolve in the liquid of the tissue and hinders the discharge of secretions

by clotting. Wounds treated with S.A. powder are less inclined to flow. Work hypothesis: Inflammation of the mesodermal soft parts tends very fast to build necrosis. The necrosis whose surroundings show thrombosed vessels is the place where bacteria are settling. The necrosis is difficult to be reached by the Chemotherapeutic agents."

This, if the Tribunal please, is a statement of the conclusions reached as a result of the criminal experiments carried out on a great number of Polish women in the Ravensbrueck Concentration Camp, four of whom have been brought to this Tribunal to testify so that we could all see the mutilating results of those experiments.

The Discussion under this report by Gebhardt's and Fischer's experiments do not qualify for an immediate comparison with animal experiments as performed by myself and others because ligature of vessels eliminated larger muscular parts and prevented the influence of perorally administered sulfanilamide (cavity effect.) The range of locally administered sulfanilamide, especially of non-soluble ones, must not be overestimated because the conditions of diffusion are insufficient due to the poor solubility. Especially marfanil has to be considered in this respect. The poor takes of infections with gas gangrene which is stressed by the lecturer coincides completely with the findings in animal experiments. Infection does not start without special local conditions (demolition of the tissue, interruption of the circulation.) These points must also be considered particularly for surgical treatment, and testing of sulfonamides in wartime surgery should be carried out from the viewpoint of synthesis and not of antithesis."

This remark in the Discussion that "The poor takes of infections

with gas gangrene which is stressed by the lecturer coincides completely with the findings in animal experiments" makes it starkly clear that the Defendants, Gebhardt and Fischer, told these gentlemen very precisely what they had done, especially in animal experiments compared with human experiments and says they had poor takes when they artificially infected with gas gangrene the human subjects. He goes on to say to that, "Infection does not start without special local conditions (demolition of the tissue, interruption of the circulation)", and the testimony before this Tribunal has very clearly demonstrated that that is precisely the way in which the artificial infection was made to take by tying off blood vessels at either end of the wound so that there would be a fertile field for the infection, infection which killed by the Defendant, Fischer's, own admission, at least three people. And if the Tribunal please, you will recall that when this sulfanilamide report was made by Gebhardt and Fischer, Rostock was chairman of that portion of the meeting, and in the front row sat the Defendant, Karl Brandt, and the Defendant, Handloser, and the deceased Dr. Conti.

I turn now to page 5 of this same document, and we find that at the same meeting as has been testified to by Eugen Kogen, a report was made by Dr. Ding on the murderous typhus experiments in Buchenwald, and this report reads as follows:

"Typhus - Inoculation

SS-Sturmabfuhrer Ding:

On the results of the testing of various typhus vaccines against classic typhus.

Among the vaccines used in the German Army and Civilian Administration for an active protective inoculation against typhus with deactivated germs, only Weigl's vaccine from lice intestines has proved its usefulness in human experimentations. Male subjects



in groups of approximately equal size who had not yet come into contact with typhus were under observation to test the tolerance and protective capacity of vaccines from egg yolks, rabbit lungs and dog lungs. Equally large groups of typhus patients who had not been protectively inoculated were used for comparison."

The following vaccines were tested:

- (1) Vaccine from live intestines by Weil.
- (2) Vaccine from egg yolks by Gilchrist, Haddon.
- (3) Two vaccines of two different strengths from the Behring Works according to the procedure developed by Otto Schirb. These vaccines are no longer being used.
- (4) Vaccine prepared according to Berard-Giroud from rabbit lungs.
- (5) Vaccine prepared according to Combiesso and his collaborators from dog lungs.

"The tolerance of all vaccines was good. Fitness for work was not reduced. The protective vaccine then reduced the height of fever and the

fever period was shortened by about a week in comparison with the non-vaccinated parallel groups. The protective vaccination was particularly favorable when the Weigl, Gildemeister and Giroud vaccines were used, which are produced from pure Rickettsia Provaszki cultures. In the overwhelming majority of cases the vaccination protects against death. It does not appear to reduce the frequency of cases of sickness.

"It could not be determined that the protective vaccination influenced the diminished blood pressure, but the central nervous system of the vaccinated groups was less influenced than that of the non-vaccinated ones.

"The exanthema of the vaccinated groups did not become hemorrhagic and disappeared on the average one week earlier than the exanthema of the non-vaccinated parallel groups."

So we see that at the same meeting at which the sulfanilamide experiments were being reported on, Dr. Ding also gave a report on his typhus experiments at Buchenwald, as we find that this organization received at a minimum reports on the freezing experiments at Dachau, the sulfanilamide experiments at Ravensbrueck and the typhus experiments at Buchenwald.

I come now to Document D-934 which will be Prosecution Exhibit 437 which contains excerpts from the report on the Fourth Meeting of Consulting Physicians from 16 to 18 May 1944 at the SS Hospital of Hohenlychen. The Tribunal will recall that we put in a very long list of names of those attending this meeting at Hohenlychen. We find the report interesting particularly because of an address made by the General Commissioner of the Fuehrer for Health and Sanitation, the Defendant, Karl Brandt, a man who will tell you that he had no connection with the SS. He was a member by technicality only, but he was the man who welcomed the meeting at the SS Hospital at Hohenlychen, and his address reads as follows: "Gentlemen: I am to welcome you here to Hohenlychen in the name of the Reichsfuehrer SS on the occasion of the Fourth Meeting of Consulting Specialists.

"I am glad that it was possible to have this meeting carried out in spite of the difficult external conditions. The events of war hold our close attention and see us all in our accustomed readiness. Thus this meeting is particularly emphasized.

"That you, Dr. Conti, as Reich Chief for Public Health and Secretary of State in the Ministry of the Interior, also were able to accept the invitation of the Chief of the Medical Service of the Wehrmacht has to be regarded as more important than a mere participation in a meeting. I enjoy it as the expression of a mutually comprehensive unity in face of the tasks and achievements which are expected from us physicians at home and in the field.

"Today this unity in general is the supporting element, but this is particularly so within our medical profession.

"All of us are bound to this common cause.

"To be a physician means to give aid and to give aid means pledging one's self again and again.

"All other considerations have to recede today in the face of this imperative demand. Our resolute and determined fight demands it. The Public Health Service and the Medical Service of the Wehrmacht are closely united.

"Generaloberstabsarzt Handloesser, you, a soldier and a physician at the same time, are responsible for the use and the performance of our medical officers.

"The Reichsfuehrer desires that the meeting which you have called will not fail to have the expected success. I convey to you personally his special greetings.

I believe, and this probably is the sole expectation of all concerned, that this meeting which today starts in Hohenlychen will be held for the benefit of our soldiers. The achievements to date of your physicians, Herr Generaloberstabsarzt, confirm this unequivocally, and their readiness to do their share makes all of us proud and - I may also say - confident.

We have arrived here with visible good fellowship and in the spirit of mutual confidence. The heavy responsibility, which we bear at a decisive point in this war, holds us strengthened and rendered more acutely by the events of the fifth year of the war, strongly bound together.

We are aware of the value of our work. We do not have to step aside, but on the other hand, we cannot consider this as simply a matter of rank either. Everybody knows that the German physicians at home, as well as those in uniform, are accomplishing deeds unheard of."

MR. McHENRY: He was apparently correct when he said he was performing deeds unheard of! I continue:

"And are dutifully performing their obligations, I do not need to describe the readiness for sacrifice of the practicing physician at home. All of you know his truly hard work by day and night. No terror bombing restrains him. Nor, do I need to refer to our medical officers, who are fighting intrepidly together with their troops, and in numberless hospitals are healing wounds which this pitiless war has inflicted.

We, therefore, realize - and I say so with all emphasis, with determination and frankness - that we too stand in the first line in the fight for existence and the future of our German people.

This is our responsibility, which no other profession can take over from us, is the more binding.

To deal with it is a fact as sober as it is self-evident and honorable for all of us.

Where we are standing - where any German physician is standing - no-



thing but this ultimate dutifulness can be expected. This cannot be explained away.

We are proud of the fact that we are not only responsible to the people in our common effort, but that this responsibility is borne by each of us individually, completely and with its full weight.

This remainder of our individuality has become a noble and thus a most deeply rooted German duty.

Therefore, I may extend my best wishes to this meeting out of my own conviction.

The exterior frame-work already promises success. The preparations which SS-Gruppenfuehrer Gebhardt, our host, has made for this meeting are promising in themselves.

Hohenlyhchen, which is for all of us the concept of genuine medical practice, medical efficiency and of soldierly life, provides the exterior frame.

To this house the recognition and thanks of innumerable injured and wounded are due. This is the inner worth and as such it is to your credit, Comrade Gebhardt. The work of your assistants is also closely connected with your name. I believe all of us look with appreciation upon your work. The solemn seriousness of this meeting is emphasized by the bestowing of a decoration upon you for the whole of your medical work, and all of us rejoice in it.

The Fuehrer has bestowed upon you the Knight's Cross of the War Service Cross with Swords. I am ordered to present this decoration to you."

MR. McHANEY: So, you can see that in this fourth meeting -- roughly in one year after Gebhardt had made his report on his marvelous sulfanilamide experiments on defenseless Polish women in Buchenwald -- the Defendant Gebhardt, in the name of the Fuehrer, now pins on this man's breast the Knight Cross of the War Service Cross with Swords!

"Permit me to add a few more words to my repeated congratulations. It is understood that with the far-reaching frame work our medical field special results must be shown, that we must accomplish special tasks as the fighting

forces know them also. We will learn about such a field here at Hohenlychen and Mr. Gebhardt will show and exhibit it to us. We will then extend, with appreciation, the honour bestowed by the Fuehrer, to the medical collaborators and the unnamed assistants, who, shoulder to shoulder with their chiefs are prepared to work indefatigably and without rest in scientific and soldierly pursuits.

While in our medical activity at home repeated operations and treatments, and painstaking rehabilitation therapy which tries the patience of patient and doctor, play a major part, and often take an excess of time and preparation, the physician in the hard struggle on the fighting front, on the other hand, is often confronted with making lightning quick decisions, and his assistants with taking immediate action.

A shot makes a sharp decision.

Above all, I am thinking of treatment of the skull and brain, besides that of injuries to the large cavities of the body.

Today, brain surgery is a concept which wants itself regarded as a special field, this in opposition to Paracelsus' interpretation that the understanding of diseases and human beings should be looked upon as an entity. All of us perceive this emergency demand of the war, and therefore recognize the necessity of separate development and special working methods which the war is bringing about.

You, colleague Toennis, know of these tasks and of these problems. Your deserts in this connection are unique. Not only did you use new ways of organization, with the help placed at your disposal by the Luftwaffe; but more than that, your medical knowledge helped to relieve the soldier of fear of the most serious injuries and their consequences. You helped to strengthen confidence in us physicians and medical officers; finally, which is more decisive, you helped the soldier in seemingly hopeless cases. Those, who know your special hospital, know about about your work. It certainly requires unshakable faith in oneself and in one's task, not to lose courage.

Here, if anywhere, the 'physician himself' is to be valued above all.

The Fuehrer honors this.

His heart is with his soldiers.

But all who are helping the wounded may be sure of his thanks. He had given us the order to present to you the Knight's Cross of the War Service Cross with Swords.

Gentlemen, we should be happy and proud to know that all of our cares and endeavors are thus appreciated. There is no doubt about this. And we, gentlemen, simply look at it that way.

The field of our work is enormous. The responsibility, of which we are conscious is tremendous.

It is good simply to call these things by their names and to look at them as they are. This meeting is the visible expression of it -- it is, it shall be, and it must be so in every respect; the Consulting

Physicians are gathered around their Medical Chief. When I look at these ranks, you Generaloberstabsarzt Handloser, are to be envied medical experts, with the best and most highly trained special knowledge, are at your disposal for care of the soldiers. In reciprocal action between yourself and your medical officers, the problems of our medical knowledge and capacity are kept alive.

I have admired you during the inspections we frequently made together. Your position did not involve -- and I consider this of primary importance -- your renouncing your physicianship. Your interest, which you kept alive from the time of your own practice in the field of internal medicine, has always led you to approach acute problems, hemo-Therapy, hepatitis epidemica, field nephritis -- all these became true and serious problems, to the work on and the treatment of which you gave all your support and assistance. All of internal medical science and its researches is assisting you on account of the importance of these and similar diseases and Therapeutic measures which the events of war demand from us. Your Consulting Physician, Dr. Gutzeit, has been a faithful assistant to you. We all know the influence, which has emanated from Dr. Gutzeit's personality and from his department. His unselfish personal effort, his scientific research work and importance as consulting physician to his Chief are incontestable.

Professor Gutzeit:

The Fuehrer honors you and internal Medical Science, which you represented, and bestows upon you The Knight's Cross to the War Service Cross with Swords. In the light of the old comradeship, which binds us together, it is particular pleasure for me to be permitted to present you with this decoration.

MR. McHANEY: So, we get at least a second doctor decorated at this meeting, who was also implicated in medical experiments upon living human beings.



"I assure, Gentlemen, that you share my joy and that you feel justified satisfaction in this honoring of medical officers. It is an appreciative thanks for the indefatigable effort in which the individual is immediately effective through his own personality, but in the long run vanishes in an army of millions! But, we should be proud of that too.

The front knows that. The front knows what we mean to them. Calling for the medic has long since ceased to be ridiculous. Today it means justified expectation of help and care.

In spite of all that, we do not want to over rate ourselves and we want to be grateful to recognize fulfillment of our life in the fulfillment of our vocation. Who is still able to do that today? The war demands of us always to be both physician and soldier. This we are and want to be. And now I conclude this train of thought and pictures of the front again are covered by pictures of the homeland. It is not destruction of terror-bombings alone, which is causing trouble for and testing the homeland and posing addition problems for us physicians.

Five years of war are showing effects!

We must clearly recognize and express this. We can meet a danger only if we perceive it. Mental and physical over-strain cause mental and physical instability. To combat and repress them are duties as difficult to fulfill as those of the soldier at the front. Only the outward appearance will be different.

How tedious it is for the practitioner at home to care for the innumerable patients with stomach troubles during his consultation hour, how difficult is it for him in this time of need to carry out a positive, but necessary fight, against Tuberculosis. Enormous tasks are to be accomplished in this field and they are being accomplished! But all of us have to help, and we all want to help. There are no limits to competence. There is no exceptional position either. Only the mutual solution of all these most difficult problems can be considered. We know without further discussion what Tuberculosis, for example, means. Where does it not appear? Where is it not possible that it might appear? Must not all the physicians stand prepared and concentrate all our attention on that alone?

It goes without saying that the physicians stand prepared wherever he is needed. He is combatting tuberculosis in the city, as well as in the country. He

fights against it in adults and in children. He fights against it in soldiers and in women!

It is the 'disease' which concerns us physicians, and it does not matter what positions or what sphere of responsibility the individual physician might hold. If we want to master the problem, which the people and state have given us, we physicians must face this concept of 'disease as such' in one phalanx.

Therefore, no difference exists between the practicing physician and the medical officer and in the long run no differentiation can exist among or against medical officers. If the Fuehrer, foreseeing this, gives his judgment, we recognize his fundamental decision.

In combatting a disease it is most clearly expressed! In the fight against Tuberculosis, for instance.

We are facing it in a common effort. We have to attack it jointly and from all directions, and consequently we want to trust the leadership of the best experts. Professor Baermann, here your work stands before us. You helped to take up the fight against tuberculosis at an early date. During the World War, you already were Chief of St. Blasien Army Hospital. Your temporary duty in the fortress hospital at Holigland assured your inner bond with the Navy. Then, came the toilsome reconstruction work of the inflation and post-war period, which besides a long established and unreserved appreciation of your person, brought about today's honors. Your infinite knowledge and experiences will help us in this war too, to master tuberculosis.

May I present to you, the Flottenarzt, the well deserved Fuehrer decoration. He has bestowed on you the Knight's Cross to the War Service Cross with Swords.

In conclusion, I think I should tell you a word which building a bridge over the past to the present, which find us prepared. It is Gerhard Wagner's maxim, which may be a vow for us for the future too. The word of deceased will keep our heart strong:

Faithful to oneself!

Court I  
28 Jan-~~M~~FJC-11-2b-Lenhardt-LJG

Faithful to the people!

Faithful to the Fuehrer!

THE PRESIDENT: The Tribunal will now recess until 1:30 o'clock.

Corrected Copy  
Afternoon Session.

(The hearing reconvened at 1330 hours, 28 January 1947).

THE MARSHAL: The Tribunal is again in session.

MR. McHANEY: We come now to Count Four of the indictment which deals with membership in a criminal organization. That is paragraph 16 of the indictment. It reads as follows: "The defendants Karl Brandt, Gensken, Gebhardt, Rudolf Brandt, Krugowsky, Poppendick, Sievers, Brack, Hoven, and Fischer are guilty of membership in an organization declared to be criminal by the International Military Tribunal in Case No. 1, in that each of the said defendants was a member of Die Schutzstaffel der National Sozialistischen Deutschen Arbeitspartei, commonly known as the SS, after 1 September 1939. Such membership is in violation of Paragraph 2 (c) Article II of Control Council Law No. 10."

I ask the Tribunal to take judicial notice of the following excerpt from the judgment of the International Military Tribunal in Case No. 1 with respect to the criminality of the SS. This is an excerpt which is taken from the judgment, pages 16, 958 and 16, 959 of the official English transcript and this excerpt has been certified as being true and correct by Colonel John E. Ray, General Secretary of the International Military Tribunal. It reads as follows:

"Conclusions: The SS was utilized for purposes which were criminal under the Charter involving the persecution and extermination of the Jews, brutalities and killings in concentration camps, excesses in the administration of occupied territories, the administration of the slave labor program, and the mistreatment and murder of prisoners of war. The defendant Kaltenbrunner was a member of the SS implicated in these activities. In dealing with the SS the Tribunal includes all persons who have been officially accepted as members of the SS (including the members of the Allgemeine SS, members of the Waffen SS,



28 Jan 47-A-12-1-EHM-Saslaw-(GJ)-  
Court No. 1

members of the SS Totenkopf Verbände, and members of any of the different police forces who were members of the SS. The Tribunal does not include the so-called SS riding units. The Sicerheitsdienst des Reichsfuehrer SS (commonly known as the SD) is dealt with in the Tribunal's judgment on the Gestapo and SD.

2076-A

"The Tribunal declares to be criminal within the meaning of the Charter the group composed of those persons who had been officially accepted as members of the SS as enumerated in the preceding paragraph who became or remained members of the organization with knowledge that it was being used for the commission of acts declared criminal by Article 6 of the Charter, or who were personally implicated as members of the organization in the commission of such crimes, excluding, however, those who were drafted into membership by the State in such a way as to give them no choice in the matter, and who had committed no such crimes. The basis of this finding is the participation of the organization in war crimes and crimes against humanity connected with the war; this group declared criminal cannot include, therefore, persons who had ceased to belong to the organizations enumerated in the preceding paragraph prior to September 1, 1939."

The next affidavit of each of the defendants charged in Count Four of the indictment contains admissions that such defendants were members of the SS following September 1939. There is no ground for any of these defendants to assert that they fall within the exception made in the IMT's finding of criminality where it stated that those drafted in the membership of the SS shall not be considered as having belonged to the criminal organizations. That exclusion was made by the Tribunal for the reason that late in the war the evidence showed that certain members of the Waffen SS were drafted in the service much like members of the Army, the Navy, the Luftwaffe, and so forth, but aside from that exception, which were not very numerous, the SS was essentially a volunteer organization. In addition to the admission of membership in the SS as made by the defendants, the prosecution would like to submit two documents which corroborate those admissions. The first of these is a document No. NG-1437 which will be Prosecution Exhibit 438. This is a document containing excerpts from the so-called "Dienstaltersliste der Schutzstaffel der NSDAP". This is in effect an order list of certain members of the SS and this first document deals with members who held rank "SS Oberst Gruppenfuehrer" down through "SS Standartenfuehrer". The rank "SS Oberst Gruppenfuehrer", I think, was held by only three men and was the highest rank

in the SS other than the position held by Himmler himself as Reichsfuehrer of the SS. "SS Standartenfuehrer" corresponds roughly to the rank of "Colonel" in the United States Army.

We see on page four of this document that the names of certain of the defendants charged with having been members of the SS are extracted in this document. I might also point out that this order list is dated 9 November 1944. We find on page four that Dr. Karl Genzken was an SS Gruppenfuehrer which was the rank roughly of a Major General in the United States Army. Genzken was No. 133 on the order list of the SS. He is noted as having been attached to the SS Fuehrung Hauptamt, that is, the SS Operational Office, as chief of the Antagruppe D in the SS Fuehrung Hauptamt; and the Tribunal will recall that Antagruppe D was the medical service of the Waffen SS, the chief of which was the defendant Genzken. His Party number, that is, his Nazi Party number, is listed as 39913, a very low number, and shows early membership in the Nazi party. His SS number is 207954.

The next column shows his birth date as being June 8, 1885. The next column shows that he was a Lt. General in the Waffen-SS and shows in the last group that he attained the rank of Gruppenfuehrer on January 30, 1943.

No. 134 is Doctor, Professor Karl Gebhardt, and he is shown as being attached to the D. St. Reichsarzt-SS and Police Oberster Kliniker, who was Dr. Grawitz. His Party No. was 1723317, SS No. 265894. Date of birth, December 23, 1897. Lieutenant General in the Waffen-SS. Gruppenfuhrer, January 30, 1943.

No. 172 is Professor, Doctor Karl Brandt, and he is shown as attached to the SS Fuhrg., H.A. Party No. 1009617, SS No. 260353. Date of birth January 8, 1904. Lieutenant General in the Waffen-SS. He claimed the rank of Gruppenfuhrer on April 20, 1944.

I think it might be interesting for the Tribunal if I passed up the photostatic copy of the original list from which these extracts were taken, and you can see the manner in which the book was set up. It starts off listing No. 1, which is Heinrich Himmler, and so forth on down.

(The book is given to the Tribunal)

According to the rank of SS-Oberfuhrer, which is a rank between a full Colonel in the United States Army and a Brigadier General, a rank which we have designated as Senior Colonel, we find the name of Viktor Brack, No. 571. He is noted as attached to the Staff of the Reichsfuhrer-SS. Party No. 173388. And a very low SS No. 1940. He was born November 9, 1904. He is listed as a Stabsamtsfuhrer in the Reserve, and claimed the rank of SS-Oberfuhrer November 9, 1940.

No. 695 is Professor, Doctor Joachim Mrugowsky. He is shown as attached to the Reichsarzt-SS and Police. Although his position is not shown, it corresponds to that of Professor Gebhardt. Mrugowsky was the Oberster Hygieniker, the Chief Hygienic Officer. His Party No. is shown as 210049, and a low SS No. 25811. He was born August 15, 1905. He was an Oberfuhrer, and claimed the rank of Gruppenfuhrer on April 20, 1944.

Also an SS-Oberfuhrer is the defendant Helmuth Poppendick, shown as No. 721. He was attached to the Reichsarzt-SS and Police. His Party



28 Jan 47-A-GES-13-1-Board-(GJ)-  
Court No. 1

No. 998607. His SS No. 36345. His birthday is January 6, 1902. He  
claimed the rank of SS-Oberfuehrer on September 1, 1944.

2079-A

Holding the rank of SS-Standartenfuhrer is Wolfram Sievers with the Order No. 1096. He was attached to the Personal Staff of the Reichsfuhrer-SS Party No. 144983. SS No. 275325. Birth date, July 10, 1905. Claimed the rank of Standartenfuhrer on November 9, 1942.

Also listed as a Standartenfuhrer is the defendant Rudolf Brandt whose Order No. is 1284. He was attached to the Personal Staff of the Reichsfuhrer-SS. His Party No. 1331536, and his SS No. 129771. Date of birth, June 2, 1909. He claimed the rank of Standartenfuhrer April 20, 1944.

The next document is Document No. NO-1438, which will be Prosecution's Exhibit No. 439, and this consists of extracts taken from a list similar to the one now before the Tribunal. The first page there shows the Order from SS-Obersturmbannfuhrer down to SS-Sturmabannfuhrer, and the Order List is dated 1 October 1944.

On page 4 of the Document we find listed SS-Sturmabannfuhrer, Order No. 3960, the defendant Fritz Fischer, who was attached to the 42nd Standart, which is a Regiment, as I understand it. His Party number is not listed, indicating he was not a member of the Nazi Party. His SS No. is 203578. He was born October 5, 1912. He was a Sturmabannfuhrer in the Reserve, and claimed his rank of Sturmabannfuhrer on August 25, 1944.

Prosecution's Exhibits Nos. 438 and 439, which I have just read covers all the defendants charged with having been members of the SS with the exception of the defendant Hoven. These two lists do not purport to contain the names of all members of the SS since they are numbered at several million, as I understand it, and the defendant Hoven's name is not included in either of those two volumes. However, he has stated in his affidavit that he was a member of the SS and was attached as camp doctor in the Concentration Camp of Ravensbruck after 1 September 1939, and this has been corroborated by the testimony of Ferdinand Rounhild and Eugen Kogon.

28 Jan 47-A-GES-13-2-Board-(GJ)-  
Court No. 1

I come now to document No. NO-1441, which will be Prosecution's Exhibit 140. This is an excerpt taken from a booklet called the "SS- The Soldier's Friend". It was compiled by the SS-Hauptamt, which is the SS Central Office or Main Office, dated August 1, 1942, and on the second page of this Document.

2080-1

we find the oath which was taken by all members of the SS. It reads as follows

"THE OATH OF THE SS RECRUIT

"I swear allegiance and bravery to you, Adolf Hitler, as Fuehrer and Chancellor of the Reich. I vow to be obedient to you and my superiors appointed by you until death, so help me God."

DR. SERVATIUS: Mr. President, I do not know if the whole excerpts here are to be received in evidence, and what is to be the importance of the documents. In the table of contents it has been listed, and has been stated with some titles, that I do not know the contents of this article. Therefore, I would like to receive an explanation from the Prosecution as to what this document is supposed to signify.

MR. McHANEY: Frankly, I have never so much as seen the book from which this oath was taken. I simply issued instructions that a copy of the oath taken by members of the SS be obtained, and the oath was found in this booklet. It is customary when we submit only a partial translation of a document we include the cover page and generally the index. The table of contents, as given in this translation here indicates that this pamphlet deals with a variety of subjects concerning the SS. On page 1, we see an utterance of the Fuehrer, the title page; page 4, the oath of the SS which I have just read. Pages 5 to 6, personnel stating statistics, and telephone numbers. The main offices of the Reich SS and their tasks. The order on engagements and marriages, and a great number of items concerning various functions of the SS with explanatory remarks.

The only purpose for which we offer this document is to show the SS oath. The Document is apparently some 256 pages long.

JUDGE SEHRING: Mr. McHanev, I suggest that perhaps the document as handed up to us, has not been prepared in order, and that perhaps the second page, as it is here, follows the table of contents, and so far as that part of the table of contents which refers to "The oath of the SS recruit", page 4, might be material. Do I make myself clear?



MR. McHANEY: I think, if your Honor please, I will pass up the original which is apparently here in the court room. Although, I am not clear why since it is U.S.A. Exhibit 441 of the International Military Tribunal. I very seriously doubt if it can be permanently kept with the record of this Tribunal. If I may look at it just a moment I will be able to clarify your question, I think.

MR. McHANEY: I think the arrangement of the translation is probably correct. I will pass the book up to you and you can see for yourself that the oath of the SS recruit comes before the index. It is in the nature of a pocket diary which was issued to SS men,

(Document handed to Tribunal.)

DR. SERVATIUS: I do not have any objection to the document if it is only being presented in order to show the oath which the SS man, who, after all, was fighting as a soldier, had to give.

JUDGE SEHRING: Can you say whether or not, Mr. McHaney, this book pretends to have incorporated in it any rules of land warfare if the German army had such rules?

MR. McHANEY: I can't say offhand, your Honor. By looking at the table of contents, I would conclude that it does not contain any reference to the rules of land warfare. We are offering the document simply for the purpose of proving the oath taken by SS members in which unqualified obedience is sworn to the Fuehrer and to the superiors appointed by him.

THE PRESIDENT: The exhibit offered and limited to the statement of counsel for the prosecution will be admitted in evidence.

MR. McHANEY: We come now to Document NO-1730, which I offer as Prosecution Exhibit 441. This is the transcript of an interrogation of the defendant Karl Brandt taken on 5 November 1946.

DR. SERVATIUS: Dr. Servatius, counsel for defendant Karl Brandt. Mr. President, the document which is to be presented here by the prosecution is an interrogation which has not been signed by Karl Brandt; and it has not been read to him. The time it took place was on the day when the indictment was handed to him. As a result of this, the interrogation was interrupted. This extensive document, which includes more than twenty pages, has only been handed to me this morning; and I have not yet been able to discuss it with my client. It deals with a large number of questions which are the subject of the accusation. It is for this reason that I want to object to having it admitted at this time. However, I am also objecting to the fact that it should be presented at all. The defendant Karl Brandt will become a witness in a

few days, and then the prosecution can ask him all these questions in the course of the cross examination. Those are all of my statements.

MR. McHANEY: IT is quite correct that defense counsel received this only this morning. Consequently, I would be willing to have the document admitted subject to any seasonable and more definite objection on the part of Dr. Servatius. However, the fact that the interrogation is not signed by the defendant Karl Brandt certainly does not mitigate against its admissibility. The document has been certified as being a true and correct transcript of an interrogation taken on the 5th of November, 1946, by Mr. Meyer of the Interrogation Division, the transcript having been made by an employee of the Office of Chief of Counsel, a man by the name of St. Roeder, who has certified that this is a true and correct transcript of the interrogation.

THE PRESIDENT: Do you have the original there, Mr. McHaney?

MR. McHANEY: The Interpretation Department has it right now. We'll bring it right down. The Court has been advised by Dr. Servatius' statement that his client will take the stand and that we can interrogate him then. I submit that that has nothing to do with the admissibility of this document. The prosecution is now submitting its case in chief; and we are privileged to prove certain of the facts herein admitted as part of our case in chief; and certainly we need not rely upon cross examination of the defendant Karl Brandt if and when he takes the stand.

JUDGE SEBRING: Where is Mr. Meyer at this time?

MR. McHANEY: Mr. Meyer? I suppose he is in the building. He is the interrogator who took the interrogation. However, I felt that his certification of the interrogation would add nothing to that of the stenographer who actually made the transcript. I felt that that was the critical certification.

JUDGE SEBRING: This Stefan St. Roeder was the stenographer who is supposed to have been present at the time this interrogation took place?

MR. McHANEY: Indeed, yes; the interrogation so shows on the first page.

THE PRESIDENT: The Tribunal is of the opinion that the document offered is sufficient in form to entitle it to admission in evidence; but the Tri-

bunal does not like formally to admit the document until Dr. Servatius had an opportunity to examine it in the presence of his client, defendant Karl Brandt. Dr. Servatius, if the Tribunal would take a recess for thirty minutes could you in the presence of your client then check this over and ascertain if you have any objection to its contents?

DR. SERVATIUS: I am prepared to discuss the matter with my client during the recess.

THE PRESIDENT: How much material has the prosecution to offer this afternoon?

MR. McHANEY: This, if the Tribunal please, is the last document. As a matter of fact, if it might simplify matters somewhat, I could point out those portions of the interrogation which I wanted to make reference to. I am simply endeavoring to establish what I think will not be denied by the defendant Karl Brandt and that is that he was a member of the Reichsforschungsrat, the Reich Research Council. We had previously offered in evidence an affidavit which stated that fact, an affidavit made by Werner Osenberg; and the Tribunal refused to admit the affidavit on the ground that Osenberg was available, whereupon we did not call him to the stand and the affidavit did not go into the record. That affidavit would have proved that Brandt was a member of the Reich Research Council. By an oversight that was not included in Brandt's own personal affidavit; and, consequently, as the record now stands, there is no proof in the case in chief that he was a member of the Reich Research Council. This interrogation contains a series of around four questions which deal with that and in which the admission is made that he was a member. We also would refer to a very short answer, making reference to a certain relationship which Rostock had to the Reich Research Council. Those are the only two things that we would make reference to at this time. Of course, we are offering the document as a whole; and if necessary we would perhaps use it to contradict the defendant on the stand if he made any statements inconsistent with answers given herein. But I don't think membership in the Reich Research Council will be disputed by the defendant



or by Dr. Servatius.

THE PRESIDENT: Of course, the document being offered as a whole, the entire document, would be in evidence before the Tribunal; and the Tribunal desires that Dr. Servatius have a chance to examine and recheck this document with his client before it is formally admitted. Has the prosecution anything else to offer?

MR. McHANEY: No, your Honor, after this document has gone in, I would simply make a very few remarks about one or two open matters in the record; and then the prosecution is prepared to rest its case in chief.

THE PRESIDENT: The Tribunal will now recess until 3:00 o'clock. Dr. Servatius may consult with his client concerning this document. Here is the original.

(A recess was taken.)

DR. SPRATIUS (Counsel for Defendant Brandt): Mr. President, I looked through the document and I found that it contains an important mistake. In its introduction it refers to two plans, which are also being mentioned in the record. There are two plans which were supposed to have been compiled in Torsten. There is a mistake contained in that document. Earl Brandt was never at Torsten.

Those two charts were compiled after a discussion lasting one hour. The charts were very doubtful. During these discussions the charts were drawn and the views were discussed which Brandt held about these agencies. If this document is to be submitted here these charts have to be attached, including the interrogations which were made in that connection. That happened in Kramsberg.

This is an essential point, and I should further mention that another chart was submitted here in evidence which was combined from those two original charts. I don't have the chart at my disposal at the moment, but maybe the Tribunal can remember that Earl Brandt struck out all the notes that went with that chart. In that document it is stated that the correctness of these charts is confirmed. The word "correctness" can only refer to the original charts, but not to the fact that any consequence can be drawn from these charts.

Furthermore there are many omissions in that text. In twenty pages there is an interrogation lasting about an hour and a half. Actually more was said. A few mistakes are contained in the record its lf, especially with reference to the Reich Research Council. There you find a wrong date. On Page 11 it says: "Q. When were you a member of the Reich Research Council? A. It may have been in 1943 or 1944."

He may have been mistaken in his answer because it was actually 1942 when he became a member. In the original interrogation, there are corrections made on page 3 where dates were altered, so it is probable that a mistake arose later. These alterations in the original were made with pencil. Exactly by whom they were made and when, I cannot tell.

There is another obvious mistake on page 14. It also shows that the document was not compiled correctly. It reads as follows:

"Q. I assume that you referred to a Fushrer decree about that question?

A. Yes, in March of 1944. I am sorry, in February, 1944."

It is known that this decree dates from the first of March, 1944.

There are further mistakes contained in that document. I shall not refer to them in detail. On page 16, it is mentioned that this interrogation was made under oath, but the document itself does not show that. According to my opinion, this document cannot be admitted. For formal reasons, I object to its admission and I shall refer, also, to statements made before the adjournment. That is all I have to say.

MR. McMANEY: If the Tribunal please, the remarks of Dr. Servatius, at best, indicate a mere normal human frailty as far as this transcript is concerned. I would be the last person in the world to say that it is letter-perfect. You always find mistakes even in the best of transcripts. However, I do submit, that it is as accurate as any interrogation report that is apt to be submitted to Brandt, I think the questions indicate it was in Dorsten. That is typographical error. It has reference to a prison camp known as Dustbin. However, it is immaterial to me where these charts were made. I do not think it is necessary to have these charts attached so the document may be admissible.

As a result of this interrogation, another chart was drawn up and sworn to by Karl Brandt. It was submitted to the Tribunal. It is now in the record. The so-called mistake on dates is not really a fault in the transcript in at least one instant. I happened to have been present during the course of the interrogation and I directed that a question be put to him as to when he first became a member of the Reich Research

Council. My recollection is that he quite clearly said 1943 or 1944. I am happy to see his counsel correct that to read 1942. I, myself, thought, at the time, he was placing the date rather late. However, that is what he said. That is what was taken down.

I also think February, 1944, was the date he mentioned with respect to the Fuehrer decree which we of course very well know to be March, 1944. Those are things that cannot be controlled. That is what the man in response to the question. That was taken down. That is what appears in this transcript. I submit that the document is very clearly admissible.

THE PRESIDENT: Counsel's objection is overruled. When the Defendant, Karl Brandt, takes the stand, he can explain it any way he pleases. He can bring before the Tribunal his theory of what was said. Obvious mistakes can of course be corrected.

MR. McHANEY: This, then, is Prosecution's Exhibit 441. As I have stated before, I do not wish to read the entire interrogation. I would first like to call the Tribunal's attention to a question appearing at the bottom of page 2 of the English translation, which is the second question at the top of page 4 of the original.

"Q. What exactly did Rostock do?

"A. Rostock at first took care of questions concerning universities, that is to say, he saw to it that the highest possible number of teachers came and that the number of students remained high. Later he picked out single tasks which had resulted altogether, practically in contact with the Reich Research Council. Among them were the questions of Penicillin, Krippe serum, as well as those of the whole literature, things that altogether were meant as an attack against medical education. Rostock on my initiative, interfered then to stop that. Furthermore, Rostock had had a series of conferences concerning even the economic aspect, i.e. production together with what had to be done by the doctors."

The answer to this question merely indicates a collaboration to some extent between Rostock and the Reich Research Council. I submit that the



Court I

28 Jan 47 - A - 18-3 - LJO - Fitzgerald

answer to the question is either garbled or a garbled answer was given;  
it is one of the two.

In any event, we read this into the record simply to show that there was cooperation and collaboration between the Defendant Rostock and the Reich Research Council.

The next series of questions appear on Page 7 of the English Translation. It is about the middle of Page 11 of the original.

Q What was your position in the National Research Council?

A I was a member of the National Research Council without any actual office until March 1945.

Q But you were a member of the National Research Council?

A Yes, I was a member but without any functions at all. In March I believe it was in March 1945, I was commissioned by a special ordinance which was signed by Goering to consolidate the problems and tasks of medical research within the compass of the National Research Council.

Q Was that not in the year 1944?

A No. It was in 1945, about 2 or 3 weeks previous to my arrest in Berlin. This moreover pertains also to what I have said before.

Q Are you sure that you held no office in the National Research Council?

A I held no office in the National Research Council. From 1944 on the lists issued monthly were sent to me.

Q When did you become a member of the National Research Council?

A It may have been in 1943 or 1944.

I read this excerpt simply to prove that Karl Brandt was, in fact, a member of the Reich Research Council. We have been advised that the dates given, 1943 or 1944 are a mistake. It should be 1942. Of course that is a matter which can be explained when the Defendant takes the stand if he does. I would also like to suggest that while there may be some difference about what holding an office in the Reich Research Council is, that there certainly can be no dispute about

26 Jan 47-A-FJC-18-1a-Fitzgerald-(GJ)-  
Court No. 1

the fact that the Defendant Karl Brandt, along with others heads  
of ministries, such as Conti, were members of the so-called  
Presidential Council of the Reich Research Council.

2091-A

The Tribunal requested that we obtain a list of the affidavits which were provisionally admitted due to the lack of a certificate, at that time, showing the authority of certain employees of the Office of Chief of Counsel to administer oaths in connection with affidavits.

The first affidavit to be provisionally admitted was Document Number 372. It is an affidavit of Rudolf Brandt attested to by Walter H. Rapp. It was provisionally admitted as Exhibit 252.

Document Number 429 is an affidavit of Defendant Hoven attested to by Ivan Denvir on 24 October 1946. It was provisionally admitted as Prosecution Exhibit 281. The affidavit of Hrusowsky, Document Number 423, attested by Herber Mayer, on 17 October 1946, was provisionally admitted as Prosecution Exhibit 282.

Document Number 370 is another affidavit of Rudolf Brandt attested to by Walter Rapp and provisionally admitted as Prosecution Exhibit 294.

Document Number 885 is an affidavit of Schuh attested to by Guy Jevarger on the 18th of November, 1946. It was provisionally admitted as Prosecution Exhibit 314.



Document NO-883, affidavit of Eyer, attested to by Guy Favarger, 18 November 1946, was provisionally admitted as Prosecution Exhibit No. 320.

Document NO-444, another affidavit of Rudolph Brandt, attested to by Walter H. Rapp, on 23 October 1946, was provisionally admitted as Prosecution Exhibit No. 329.

Document NO-474, affidavit of Koessler - no, Kneisler, I guess it is, objected by the Fred Rodell on October 14, 1946, was admitted as Prosecution Exhibit No. 332.

Document NO-427, affidavit of Huber, attested to by Fred Rodell 4 January 1947, was provisionally admitted as Prosecution No. 431.

Document NO-1128, affidavit of one Wesse, and was attested to by Fred Rodell on 3 January 1947, was provisionally admitted as Prosecution's Exhibit No. 432.

These are the only affidavits which were specifically objected to on the grounds that the person who attested to the affidavits was not shown to be authorized to administer an oath. However, there were subsequent initial objections made on the grounds of several more affidavits, which would fall within that objection, although at that time specifically raised with the documents, and which are covered by the certificate of General Telford Taylor, which we have submitted to the Tribunal, and I might note that there are five of these.

The first one is Document 3865-PS, affidavit of S.A. Bruck Mueller attested to by Alfred H. Booth, 2 April 1946, which was admitted as Prosecution's Exhibit 365.

Document NO-720, affidavit of Schnidtmann, attested to by Fred Rodell on 8 November 1946, and was admitted as Prosecutions Exhibit No. 366.

Document NO-817, affidavit of Gutekunst, attested to by Fred Rodell, 20 November 1946, was admitted Prosecution's Exhibit 368.

Document NO-818, affidavit of Sprauer, attested by Fred Rodell on 19 November 1946, was admitted as Prosecution's Exhibit No. 373.

Document NO-872, affidavit of the defendant Rose, attested to by Ivan deVries, 3 December 1946, was admitted as Prosecution's Exhibit 408.

That, if the Tribunal please, covers all the affidavits as to which there could have been any question on the grounds of the objections there were not raised on 3 January 1947, and, I would like to have the record now show that those affidavits are finally admitted into evidence.

THE PRESIDENT: Mr. McHaney, have these exhibits been made to show the dates on which the statement or affidavit falls were made after the term of appointment of the persons who took the affidavit or statement?

MR. MCHANNEY: Yes, the dates which I read after each affidavit that it was attested to by so and so on such and such a date have been checked against these dates. In the certificate as to when the named person was first vested with authority to administer oath, and all of these affidavits do fall within that time limitation.

THE PRESIDENT: That is quite correct.

DR. GAWLIK: The counsel for the defendant Hoven. The Tribunal and counsel, I would like to draw the attention of the Tribunal to the fact that I wish reference to the affidavit of the defendant Hoven NO-429, Exhibit 282, objected for the very reason and since this affidavit was compiled in the English language, that the defendant Hoven does not know the English language sufficiently, and the order to make an explanation on the affidavit in its importance to the Tribunal is at hand, and reciting that so far as I remember the decision in reference to the final admissibility would be postponed until such time that the defendant

Hoven will be called to the witness stand, I, therefore, ask you not to decide today as to the final admissibility, but only at the time when the defendant Hoven be on the witness stand.

THE PRESIDENT: Counsel for the defendant Hoven is correct in the statement which he has made. Has counsel for the defendant Hoven been furnished a German translation from the affidavit.

MR. McHANEY: He indicates he has been furnished the German translation.

THE PRESIDENT: The ruling on the admissibility of this affidavit referred to by the counsel for the defendant Hoven will be reserved until either the Prosecution proves that the defendant Hoven does understand the English language, or when he is on the stand and can be cross examined, or examined, concerning this affidavit.

MR. McHANEY: Would the Tribunal care to make a ruling on the lists of affidavits which I have just read?

THE PRESIDENT: Yes, I was just coming to that, to the disposing of those exhibits raised by counsel. The affidavits provisionally admitted, which have been listed and referred to by counsel for the Prosecution, will be admitted in evidence as exhibits in the case. As to all the other exhibits which have been offered and to which no objections have been made, they are all considered as admitted in evidence in the case. Hereafter, I shall say, any affidavits that are offered in evidence to which no objection is made on the affidavit referred to as an exhibit will be considered as admitted in evidence without a further specific ruling that it is admitted in evidence.

MR. McHANEY: There are three other affidavits at least which are still in an unsettled state, and the Tribunal will recall that those were affidavits taken in Austria, and they concern the Sea-Water experiments at Dachau, and we have been endeavoring to

28 Jan 47-A-SW-19-h-Gallagher)-  
Court No. 1

introduce the documents which have been objected to on the grounds that no oath had been administered; that they were unsworn statements. I think they were provisionally admitted subject to the Prosecution obtaining a sworn statement of identical character. These have not been forthcoming from the Austrian authority as yet, but I am advised that at least two of them are in the mail, and we would like, of course, permission to submit sworn affidavits from these persons when they are received.



Those were Prosecution's Exhibits Nos. 138 and 139 and No. 140.

THE PRESIDENT: The Tribunal's ruling will be considered as holding open the Prosecutions request for the privilege of receiving in evidence in the case in chief these affidavits when they are received.

MR. McHANEY: A similar character of affidavit, or rather of statement taken before the public prosecutor in Frankfurt concerning certain aspect of the euthanasia program as it applied to half Jewish children, as I recall, and on that occasion I think that the document was not admitted even provisionally, but I would, of course, like the privilege or right to submit into evidence as the Prosecution's exhibit the document as soon as it has been sworn to, it may have been sworn to, but we have not procured the translation as yet, but it should be prepared and offered very shortly.

THE PRESIDENT: The Prosecution may have the right to offer the document when it is received in proper form, subject, of course, to any objection on the part of the defense.

MR. McHANEY: So with that reservation the Prosecution now rests its case in chief.

THE PRESIDENT: Just a moment, counsel. Let the record show that the Prosecution on this date (28 January 1947) has announced that it rests its case in chief, the announcement having made at 3:37 o'clock in the afternoon of 28 January, 1947, this being the twenty-fifth actual trial day in this case.

I would like to call the attention of the Tribunal to the fact that the Tribunal has not been furnished with a certain document, which was supposed to be furnished, namely, a photostat of the skeleton collection in Strassbourg, and also certain German documents of English translation which have been presented today.

DR. GAWLIK: Dr. Gawlik, counsel for the defendant Hoven. If the Tribunal please, and counsel the Tribunal yesterday ruled that document

28 Jan 47-1c-A-19-1a-LJC-Gallagher-(GJ)-  
Court No. 1

NO-1063 be admitted, and we are surely concerned with that report,  
the Agency for the investigation of War Crimes at Amsterdam.  
This report con-

2097-A

Court I

28 Jan 47 - A - 19-2a - LJC - Gallagher

tained a number of protocols of witnesses. I now make the application that the Prosecution should submit the following witnesses for purposes of cross examination:

One: Hans Vondeling in Apeldoorn, page 13 of the German translation of the report.

Second: Jan Antonie van Loenwarden in Fladigen, page 13 of the German translation, and

Third: Johannes Peter Schalker, page 15 of the German translation.

MR. MC HANEY: The prosecution, of course, grants the right of defense counsel to make his application for the procuring of these witnesses. However, we shall resist on the ground that it constitutes something in the nature of a collateral attack on the report of a duly constituted war crimes commission of one of the allied nations. These reports are specifically admissible under Ordinance No. 7 and I feel quite sure that provision was inserted to shorten the proof in such cases as this, and if the defense is to be afforded the full opportunity of going into the complete basis of such reports, why, of course we will be here for a very, very long time. We shall be happy to submit our objections, however, in writing if and when defense counsel submits his request for these witnesses. Of course, there would also be a problem as to whose witness he would be upon his appearance; whether a prosecution witness under cross examination or a defense witness. That also is a question that we will deal with in our written objection.

DR. GAWLIK: I ask to cross-examine that witness and further that I don't want to discuss the report with him but merely am interested in the testimony of the witness. I am going to question him about the points he testified on and I would not have the right to do so if the prosecution would not submit this witness for cross-examination.

THE PRESIDENT: Counsel for the defendant Hoven may request that the witnesses be summoned and in his request state the purpose for which he desires the witnesses to be summoned. That application would be submitted before the prosecution and the matter will then be submitted for the Tribunal.

DR. GAWLIK: I ask that the prosecution submit this witness to me for the purpose of cross-examination.

THE PRESIDENT: That request should be included in the application of the counsel for the summoning of the witness. Should the Tribunal receive from Dr. Seidel, counsel for defendants Gebhardt, Oberhauser and Fischer, a request that he be permitted to present the cases of those three defendants together, I assume that would also include the request that this opening statement on behalf of those defendants be made at the same time as his one



statement. Is there any objection of this procedure being followed by counsel for the defendants named on the part of any other defense counsel? Is there any objection on behalf of the prosecution?

MR. MC HANEY: No objection, Your Honor. We think it's a very sensible suggestion.

THE PRESIDENT: It appears to the Tribunal that the plan outlined by counsel for defendants Gebhardt, Oberhauser and Fischer would be advantageous not only from their standpoint but from the standpoint of the prosecution of the Tribunal and the request is granted. Further, in connection with the opening statement on behalf of the defense, the Tribunal would inquire whether the defendants have made any arrangement to present at one time discussions of certain general charges against many of the defendants.

DR. SERVATIUS: Mr. President, there was no agreement among defense counsels to distribute certain statements; however, our task will be distributed in such a manner as to avoid duplication. Of course, it is up to everyone's own discretion to present his case in such a manner as he wants to.

THE PRESIDENT: The Tribunal will consider not only the evidence but the question of outlining the defense in the opening statements to be made by the defense. The Tribunal has allotted to counsels for the defendants two days in which to make these opening statements and duplications, at least as suggested by counsel for defendant Karl Brandt, will be rather burdensome to counsel and the Tribunal and mere duplication would be of no benefit to anybody.

DR. SERVATIUS: Mr. President, due to the fact that the case of Dr. Brandt and the case of Dr. Handloser are more extensive, there arises the fact that the first two opening statements will be a little longer. As far as I am informed, the majority of the other statements are shorter so that the both days which are at our disposal will not be exceeded at all. We have been informed by our colleagues that they will speak less and give us this time to our disposal. There is the defense counsel Pribilla and that

applies to counsel for Hovan--no, it isn't Hoven, it is Mrugowsky--who agreed to that, so that we are sure he will not exceed that time.

THE PRESIDENT: It's evident to the Tribunal that there must be some basic theory to the defense, on the part, at least, to acquit a number of defendants. I would ask if defendants' counsel have agreed among themselves as to the allocation of time. The Tribunal has allowed two days and any direction agreeable to the defendants that will consume no more than that time will be satisfactory to the Tribunal but without being advised as to some allocation of time which has been agreed on by the defendants, the Tribunal will not know whether certain counsel might be using more of the time and it will be infringing upon the time of other defendants. If defendants' counsel this afternoon could prepare some statement of the allocation of time which would be useful to the Tribunal, then the Tribunal would have something with which to follow in listening to counsel tomorrow.

DR. SERVATIUS: Mr. President, I shall see to it that a list is compiled giving the approximate time which is claimed by the individual defense counsels.

THE PRESIDENT: That is what the Tribunal desires. Any further matters to be called to the attention of the Tribunal this afternoon?

MR. MC HANEY: I would ask if all of the defense counsels have their opening statements translated and whether or not they are now available? I have received a copy of the opening statement of Dr. Seidl for the defendants Gebhardt, Fischer and Oberhauser, but I think that is the only one I have received and I just don't know whether the other defense counsels have secured translations of their opening statements, so I would be interested in obtaining copies.

THE PRESIDENT: Have any of the defense counsels, other than counsels for the defendants named, procured translations of their opening statements in the English language?

DR. SERVATIUS: I have been told that my opening statement has been translated and that the same applied to colleague Kelte. He too has been told that his opening speech has been translated, that it probably will be

in the multigraph department.

THE PRESIDENT: The Tribunal would also wish copies of those opening statements in English. Would counsel see that copies are furnished of the translation of these opening statements in English to the Tribunal and to the prosecution?

DR. SAUTER: My two opening statements have been submitted about eight days ago and reportedly I have made inquiries of the employees in the library--not my employees but employees of OGC--what we ought to do in order to obtain translations. Reportedly, in fact, that personnel informed me that we, ourselves, would not need to concern ourselves with these translations but that the drafts which we had handed in to have copied would automatically be handed over to the Translating Branch and from the Translating Branch they would then go--the requisite number of the English translations--would go then to both the prosecution and then the Tribunal. In other words, as far as we're concerned, it was not only today or yesterday but about a week ago that we have submitted our material, and naturally after that we didn't concern ourselves with obtaining translations since we had specifically been told that we needn't worry about it.

THE PRESIDENT: Counsel is entirely correct. Having furnished the opening statements to the Translating Department, counsel was not obligated to concern himself further with the matter.

DR. SAUTER: I am afraid, Mr. President, I did not understand you. I beg your pardon, I did not understand what you said.

THE PRESIDENT: I stated that counsel for the defense was correct in assuming that after having furnished their opening statements in German to the Translating Department and having been assured that they would be translated, counsel was not under any obligation to concern himself further in the matter.

DR. SAUTER: Thank you very much, Mr. President.

THE PRESIDENT: Would the Secretary General investigate the matter of these translations and see that these have been made and properly distributed. If there is nothing further to be called to our attention this

afternoon, the Tribunal will recess until nine-thirty o'clock tomorrow morning and will convene to hear the opening statements of defense counsels. We understand that these statements will be made by counsel representing the defendants in the order in which they are named in the indictment. The Tribunal will be in recess.

(The Tribunal adjourned until 0930 hours, 29 January 1947.)



CORRECTED COPY

Official Transcript of the American Military Tribunal in the matter of the United States of America; against Karl Brandt, et al, defendants, sitting at Nuremberg, Germany, on 29 January 1947, 0930, Justice Seals presiding.

THE MARSHAL: Persons in the Court Room will please find their seats.

The Honorable, the Judges of Military Tribunal 1,

Military Tribunal 1 is now in session. God save the United States of America and this honorable Tribunal.

There will be order in the Court,

THE PRESIDENT: Mr. Marshal, will you ascertain that the defendants are all present in court.

THE MARSHAL: May it please your Honor, the Defendant Oberhouser is absent today in continuation of the illness of which she was absent yesterday.

THE PRESIDENT: The other defendants are all present?

THE MARSHAL: The other defendants are all present.

THE PRESIDENT: The Secretary-General will note for the record the presence of all the defendants save Defendant Oberhouser who is absent on account of illness.

The Defendant Oberhouser's defense will not be jeopardized in the proceeding this morning. The Tribunal will proceed.

EVIDENCE ON BEHALF OF THE DEFENDANTS

DR. SERVATIUS: Mr. President, you asked me to give you notice about the time the individual defense counsel would need for their introductory statements. By asking around, I had a list compiled which, however, did not include every defense counsel since some want to make particular statements about it. From that list it can be seen that the time which is at the disposal -- this is 18 minutes -- will total 465 minutes by defense counsel listed there. Defense counsel for Blome, Ruff and Rosenberg did not give the time required. Individual defense counsel have listed more than thirty minutes three of them.

29 Jan-25-GE3-1-1-Foster (IL)  
Court No. 1

Others need less time. So that it all equals itself out.

THE PRESIDENT: The schedule prepared by defense counsel appears to be fair and adequate. Counsel may proceed.

DR. SERVATIUS: Mr. President, I have a few technical questions before the proceedings. First, with reference to the start of the submission of the evidence, the time which was at our disposal could not be used fully since we were not able to speak to witnesses freely as we pleased, and we could only speak to them for three hours at the most and which led to the fact that we could only speak to two witnesses during one morning. The preparation of affidavits could, therefore, not be concluded by us. With my client I have not been able to discuss every question with reference to his examination. I would therefore be grateful if the Tribunal could tell me when they expect me to start with the submission of evidence. I would be prepared to do so coming Monday.

THE PRESIDENT: I didn't hear the last statement of counsel.

DR. SERVATIUS: I have not been able to discuss sufficiently with my client all the questions which I want to put to him in examination and I should therefore be grateful if the start of the submission of evidence would be postponed to the coming Monday, which would mean one day of pause, one day of adjournment.

THE PRESIDENT: At the close of the arguments the Tribunal has already determined to recess until Monday.

DR. SERVATIUS: I have yet another request, that is, to excuse the defendant Karl Brandt this afternoon and tomorrow morning so that I can use the time in order to prepare his examination. This is a procedure which was also adopted by the International Military Tribunal.

THE PRESIDENT: The Tribunal will grant counsel the request about the excusing of Karl Brandt for this afternoon and tomorrow.

DR. SERVATIUS: Mr. President, may I then begin with my introductory statement?

THE PRESIDENT: Counsel may proceed.

DR. SERVATIUS: I may say that I have not yet seen the English text of my statement. I think it is now being submitted to the Tribunal.

THE PRESIDENT: The Tribunal now has the English translation of the statement.

DR. SERVATIUS: Mr. President, I have a few technical questions before the proceedings. First, with reference to the start of the submission of the evidence, the time which was at our disposal could not be used fully since we were not able to speak to witnesses freely as we pleased, and we could only speak to them for three hours at the most and which led to the fact that we could only speak to two witnesses during one morning. The preparation of affidavits could, therefore, not be concluded by us. With my client I have not been able to discuss every question with reference to his examination. I would therefore be grateful if the Tribunal could tell me when they expect me to start with the submission of evidence. I would be prepared to do so coming Monday.

THE PRESIDENT: I didn't hear the last statement of counsel.

DR. SERVATIUS: I have not been able to discuss sufficiently with my client all the questions which I want to put to him in examination and I should therefore be grateful if the start of the submission of evidence would be postponed to the coming Monday, which would mean one day of pause, one day of adjournment.

THE PRESIDENT: At the close of the arguments the Tribunal has already determined to recess until Monday.

DR. SERVATIUS: I have yet another request, that is, to excuse the defendant Karl Brandt this afternoon and tomorrow morning so that I can use the time in order to prepare his examination. This is a procedure which was also adopted by the International Military Tribunal.

THE PRESIDENT: The Tribunal will grant counsel the request about the excusing of Karl Brandt for this afternoon and tomorrow.

DR. SERVATIUS: Mr. President, may I then begin with my introductory statement?

THE PRESIDENT: Counsel may proceed.

DR. SERVATIUS: I may say that I have not yet seen the English text of my statement. I think it is now being submitted to the Tribunal.

THE PRESIDENT: The Tribunal now has the English translation of the statement.



DR. SERVATIUS: Mr. President, I should like to point out that the last pages have contained the text of the law to which I referred in the beginning of my statement. It is an excerpt from the Charter of the International Military Tribunal and an excerpt from the Law No. 10. This would make it easier to follow my first introductory statements.

Opening statement on behalf of the Defendant Karl Brandt.

DR. SERVATIUS: The examination of the indictment against the Defendant Karl Brandt reveals that on several counts it is devoid of foundation, since it lacks in part a legal basis, in part the factual conditions.

I therefore make application that the charge against the Defendant Karl Brandt be declared insufficient.

- 1) for legal reasons in regard to Count 1 of the Indictment,  
Conspiracy to Commit War Crimes and Crimes Against Humanity,
- 2) For factual reasons in regard to Count 11 of the Indictment,  
War Crimes.  
Count A, high-altitude experiments  
Count B, freezing experiments  
Count C, malaria experiments  
Count G, sea water experiments  
Count I, sterilization.

In explanation of this application I cite the following:

Count 1:

The Indictment of 25 October 1946 under Count I charged all the defendants with the crime of a common design or conspiracy to commit crimes against humanity and war crimes.

This charge has no basis, in law: it is an inadmissible extension of the charge transgressing beyond the limits set for this trial.

The legal limit is constituted by Control Council Law No. 10, to Article II of which the Indictment refers.

"This law, however, does not contain any provision that a conspiracy to commit war crimes or crimes against humanity is punishable in itself as a separate type of crime; the conspiracy which is declared punishable there is only conspiracy to commit a crime against the peace.

"No charge of such a crime has been made, however.

"The wording and the system of the law show that the planning of war crimes and crimes against humanity is only a form of participation and not an independent type of crime.

"The limitation of the law is also demonstrated by the decision of the International Military Tribunal in Trial No. I, where punishable conspiracy is also expressly restricted to conspiracy to commit a crime against peace.

"On this subject, the following is to be said in detail:

"Since there is no charge of breach of the peace, the Tribunal is competent to examine only three questions: whether the defendants have committed war crimes, whether they are guilty of a crime against humanity, and whether they are punishable as members of a criminal organization.

"That the law knows only a crime of conspiracy against the peace is shown by Article II 1a, which reads:

"Participation in a common plan or a conspiracy for the purpose of the execution of one of the crimes listed above."

"These crimes listed above are only the crimes of Paragraph 1a against the peace.

"No such regulation regarding a conspiracy to commit war crimes and crimes against humanity is included in the law.

"That this limitation of conspiracy to "conspiracy against the peace" is intentional, is shown also by the decision of the International Military Tribunal in Trial No. 1, of 1 October 1946, where charges which went beyond this were expressly rejected.

"At the end of Section 5 of the judgment it says:

"Count I, however, charges not only the conspiracy to commit aggressive war, but also to commit war crimes and crimes against humanity.

But the Charter does not define as a separate crime any conspiracy except the one to commit acts of aggressive wars. Article 6 of the Charter provides:

"Leaders, organizers, instigators, and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plan."

"In the opinion of the Tribunal these words do not add a new and separate crime to those already listed. The words are designed to establish the responsibility of persons participating in a common plan. The Tribunal will therefore disregard the charges in Count I that the defendants conspired to commit war crimes and crimes against humanity, and will consider only the common plan to prepare, initiate, and wage aggressive war."

"In the same way, the International Military Tribunal confirms this concept of the law by saying under No. 8 of the judgment:

"As already stated, the Charter does not describe every conspiracy as a separate crime, but only a conspiracy dealing with crimes against the peace and listed in Article 6 (a)."

"This decision of the International Military Tribunal was necessary in the face of the ambiguous formulation of the Charter. The provision mentioned, concerning the responsibility of all leaders, organizers, etc., who participated in a common plan or conspiracy had been included as the last paragraph of the regulation which had previously mentioned war crimes and crimes against humanity.

"Law No. 10, which forms the basis for this trial, contains no such provision which might lead to doubts; the text of the law is clear and intelligible.

"Law No. 10 knows only certain forms of participation, which are summed up in Article II, Paragraph 2. There, under (d), it is stated, concerning the three crimes declared punishable, - crimes against the peace, against war, and against humanity, - that in addition to perpetrators and other participants, anyone who was connected with plans or enterprises involving its commission is to be punished.

"Here we are concerned with 'plans' and 'enterprises'; that is not the same as the technical expressions of 'common plan or conspiracy'.

"That the phrase 'connected with plans' does not necessarily involve the concept of conspiracy is shown by Article II 1a, where 'planning' is mentioned before conspiracy against peace is declared punishable. This would be senseless if it were intended to introduce the concept of conspiracy.

"The provision of Article II Paragraph 2d, 'whoever was connected with its planning and execution', means merely a form of conspiracy. The bracketing of the words 'planning and execution' shows that planning is a preliminary to execution, that is, attempt. The technical term 'common plan or conspiracy' cannot, however, fall under that heading.

"The system applied by Law No. 10 corresponds to the intent of the law. In Article II a clear distinction is made between the type of crime in paragraph 1 and the form of participation in paragraph 2. Paragraph 1 lists as types of crimes only the following:

- 1) the individual crimes of breach of the peace.
- 2) conspiracy against the peace
- 3) the individual war crime
- 4) the individual crime against humanity.

"There is no mention here of a conspiracy to commit war crimes or a conspiracy against humanity. Paragraph 2 of Section II, on the other hand, deals only with the form of participation in the above mentioned crimes of Paragraph 1. In addition to the principal, accomplice, instigator, accessory, abettor, the person with guilty participation in certain organizations, and the person with guilty connection with crimes against the peace on the basis of an especially high position in public life, there appears, under d, in a logical interpretation of this provision, the person who participated in the preparations for or the execution of one of the crimes under No. 1.

"Law No. 10, which was systematically and carefully worked out, cannot contain such a fundamental error as to introduce an especially important type of crime for the first time in the section devoted to forms of participation in crimes.



"Consequently, we come to the conclusion, that there is no law under which the alleged conspiracy for the commission of war crimes and crimes against humanity, which is here charged, is punishable. Only participation in individual crimes, proved in individual cases, can be punishable. The Prosecution must present such proof in detail.

"Since there is no legal basis for Count I of the Indictment, the charge must be declared insufficient for legal reasons, and the case under this count must be dismissed.

"The second group of charges against Karl Brandt is insufficient for factual reasons.

"There are the following five counts:

1) Count II A high-altitude experiments.

According to the Prosecution the low-pressure experiments in the Dachau camp began in March 1942 and were concluded about the end of August 1942. According to the transcript (German text, page 287), however, the final report was made to Himmler as early as 28 July 1942, that is, on the same day on which the Defendant Karl Brandt received his first official position as Special Agent of the Fuehrer for certain tasks.

Because of this coincidence of time alone, he cannot be brought into any connection with these experiments on the basis of his official position alone. At that time there was not as yet any Chief of the Wehrmacht Medical Service, to whom the Prosecution refers, and at that time the Defendant Karl Brandt could not yet have been in any official relationship to the medical heads of the Wehrmacht branches or the SS.

"The Prosecution has not presented any facts which might show that the Defendant Karl Brandt knew of and approved these experiments.

"On the contrary, the Prosecution itself submits that Himmler ordered the continuation of the orders; one may conclude therefrom that he also began them.

"The Prosecution further submits that Himmler inspected the experiments himself and that he received the final report.

"Thus it has been established that the Defendant Karl Brandt had no connection with the alleged experiments. The Prosecution case is insufficient on this count.

"2) Count II B, cold experiments

"According to the Prosecution, the freezing experiments began, in the Dachau camp following the cooling experiments in August 1942 and lasted until May 1943. There were two types of experiments: the water cooling experiments were concluded with a report on 16 October 1942, and the dry cooling experiments were concluded with a report on 17 February 1943.

"The Prosecution has not presented any facts which could prove the direct participation of the Defendant Karl Brandt. It has been established that he did not participate either in the Nurnberg conference on freezing experiments on 26 and 27 October 1942.

"Nor has it been proved that the Defendant Karl Brandt, by virtue of his position as special deputy, would have gained knowledge of these experiments through the Decrees of 26 July 1942. According to this Decree, the Defendant Karl Brandt had to carry out only certain special tasks on special instructions; the Prosecution has not contended that any such assignment or any such instructions actually existed and were carried out.

"Nor has it been proved that, as a member of the Presidential Council of the Reich Research Council, the Defendant Karl Brandt, gained knowledge of the experiments and the nature of their execution and that he approved them, or that he was in a position to prevent them.

"Nor has it been proved that the Defendant Karl Brandt had at that time any contact with the Wehrmacht Medical Mountain School in St. Johann, which allegedly collaborated with Dr. Rascher in experiments.

"On the other hand, the Prosecution has submitted that there was a research assignment from the Luftwaffe, and a witness for the Prosecution has testified that the experiments were carried out by Himmler on the basis of a private agreement with General Milch.

"This shows that the charge against Karl Brandt on this count is insufficient.

I come now to Count IIC, malaria experiments.

According to the prosecution, the malaria experiments took place in Dachau from February 1942 until April 1945, at Himmler's orders. The latter fact is revealed by the official report on the trial of Professor Schilling in Dachau, page 446 of the German transcript.

The prosecution does not present any facts which might indicate any direct participation of the defendant Karl Brandt in the malaria experiments.

The circumstance that the defendant Karl Brandt, by decree of 5 September 1943, was appointed Commissioner General with more extensive powers and that he became Reich Commissioner on 25 August 1944 is not in itself sufficient proof that, by virtue of this position, he gained knowledge of the type of experiments. The prosecution has not presented any especially incriminating facts revealed by the confiscated documents.

The same is true of the knowledge of the defendant Karl Brandt as a member of the Presidial Council of the Reich Research Council. Here, too, no specific proof was presented.

The only evidence against the defendant Karl Brandt is said to be an affidavit by the witness Pohl, who expresses the opinion that Himmler discussed his experiments with the doctors in his circle. Pohl lists there among others the name of the defendant Karl Brandt. Pohl does not give any facts on which he could base his opinion; on the other hand, it may be considered a fact that the defendant Karl Brandt did not belong to Himmler's circle.

The conclusion to be drawn from the above statements is that the participation of the defendant Karl Brandt in the malaria experiments has not been proved. His non-participation is emphasized by the fact that his name does not appear in any of the documents submitted and, in particular, that he was not mentioned in the Dachau trial against Schilling for malaria experiments.

Examination of the charge therefore shows that <sup>it</sup> is insufficient.

I come now to Count IIG, Sea Water Experiments.

According to the prosecution, the sea water experiments took place in



Dachau from about June 1944 until September 1944.

Here also the prosecution has not presented any facts which show direct participation of the defendant Karl Brandt in these experiments; not even the name of the defendant Karl Brandt appears in connection with these experiments.

That the defendant Karl Brandt's position alone is no proof of knowledge and approval of unwarranted experiments has already been explained. This fact is confirmed by the prosecution, since it makes no charge against Karl Brandt under Count K, Poison Experiments, and Count L, Experiments with Incendiary Bombs, although the same official relationships exist here.

The only material which the prosecution has is the affidavit of the co-defendant Schaefer, who states that the sea water experiments were an open secret in the "highest medical circles". The only fact which Schaefer can give as a reason is his report on his experiments to his supreme superiors who were collaborating with him. That anyone else gained knowledge of the nature of the experiments and that, in particular, the defendant Karl Brandt knew of it, are not proved.

Apart from the contents of this affidavit, the statement of the co-defendant Schaefer can not be used against the defendant Karl Brandt since there has as yet been no opportunity for cross-examination.

Finally, I must point out that according to the submission of the prosecution the experiments were the special business of the Luftwaffe and the Navy, in direct collaboration with Himmler. There was therefore no place there for the participation of the defendant Karl Brandt.

These statements show that the charge against Karl Brandt on this count is also insufficient.

Now, Count II I, Sterilization.

According to the prosecution, the sterilization experiments took place from March 1941 until January 1945 in Auschwitz and Ravensbrueck and at other places. The prosecution does not present any facts here, either, which might prove direct participation of the defendant Karl Brandt.

The prosecution bases its charge on the fact that, in addition to



general knowledge on the basis of the defendant Karl Brandt's official position, material was actually presented here which allegedly indicates indirectly participation in the experiments.

The prosecution has incontestably submitted that an X-ray specialist from an office of Buhler--that is, Dr. Schumann--was transferred for the purpose of conducting sterilization experiments and that other personnel of this office was sent to the extermination camps in the East, where sterilizations were performed.

It has not been proved that the defendant Karl Brandt had anything to do with these transfers. In particular, it has not been proved that he knew the purpose of the transfers and thus approved and supported the alleged crimes.

The fact alone that the Defendant Karl Brandt was given special powers, together with Buhler, by the Euthanasia Decree of 1 September 1939, does not prove that Buhler's office was his agency or that he was competent for personnel matters in the Chancellery of the Fuehrer.

The affidavit of the co-defendant Brack, which has been submitted, contains only his opinion that the defendant Karl Brandt had knowledge of Dr. Schumann's transfer. No facts are given which might support this opinion.

The affidavit of the co-defendant Rudolf Brandt, No. 440, also merely presents an assertion that, among others, the defendant Karl Brandt "surely knew of these sterilization matters". This opinion of the witness is obviously based on the defendant Karl Brandt's official position which he assumed only after the conclusion of the experiments in Auschwitz and Ravensbrueck in 1944 when he became Reich Commissar.

Apart from the fact that that affidavit does not contain any fact, it cannot be used against the defendant Karl Brandt because there has been no cross-examination.

The prosecution itself, however, presented important points in favor of the defendant Karl Brandt, clearly indicating that he had no knowledge of the experiments.

First, it is shown that the co-defendant Brack in letters to Himmler

repeatedly pointed out, with reference to Buhler's agency, that he had transferred "his" people and emphasized that "he" had promoted the experiments. I refer to pages 582 and 583 of the German transcript.

Moreover, Buhler himself, in Document NO 156, states that he alone is responsible for the execution of the measures to be taken in the Euthanasia program. The defendant Karl Brandt could therefore not have had any responsibility in this agency.

The prosecution's case also shows that the sterilization experiments were conducted exclusively by Himmler as a "state secret of the greatest importance" -- I refer to page 566 of the German transcript -- and that "strictest secrecy and the special obligation of everyone concerned is emphasized" because this was the preparation for a mass sterilization which, however, never came about. That the defendant Karl Brandt, in spite of this special secrecy, was informed of the events has not been proved.

These arguments show that the charge against Karl Brandt on this count, also, is insufficiently supported.

Insofar as the charges on one of the above counts may, contrary to this application, be declared sufficient merely on the basis of an affidavit which has not been subjected to cross-examination, application is herewith made to reserve the right after cross-examination to submit a new application concerning the charges.

I now come to the presentation of evidence with reference to the counts of the indictment concerning illegal experiments.

The prosecution bases the general responsibility of the defendant Karl Brandt in regard to the undertaking of illegal experiments on his official position and on the organization of his office. What authority the defendant Karl Brandt had in virtue of the three decrees of 28 July 1942, 5 September 1943 and 25 August 1944, which gave him special powers, is a matter of interpretation and evaluation.

The evidence for the significance and extent of the powers of the defendant Karl Brandt is brought by the prosecution primarily by the presentation of charts.

The prosecution at first on 9 December 1945 presented a report entitled "Basic instructions about the German Medical Offices" with a chart, which was not submitted as evidence but was handed to the Tribunal. The report and the chart are misleading in so far as it cannot be seen from them that in regard to the person of the defendant Karl Brandt the chart could have had validity at the earliest for the period after the third decree of 25 August 1944, when the position of Reich Commissar was created; at that time the events which form the subject of the indictment had for the most part been concluded.

The correctness of the "Basic Instruction" itself is also being contested, since on page 2 of the expose it says that the defendant Karl Brandt had already in 1942 occupied the position of a superior of Handloser and Conti and had powers regarding all offices in Germany.

For the incorrectness of this statement I shall submit evidence by examination of the defendant himself, and of the co-defendants Handloser, Schroeder, and Murgowsky.

The prosecution furthermore submitted in evidence six charts about the medical offices, the correctness of which was confirmed by affidavits. Since the witnesses could not be subjected to a cross examination, these charts can be used as evidence only against the person who made them, however, as a

precaution, I will deal with them.

We are dealing with the following charts:

"The Wehrmacht Medical Service" signed by Handloser of 24 September 1946, Document No. NO-282.

"Plan of Organization of Aero Medical Research" by Professor Schroeder. There are two charts, the first one for the period from November 1941 till December 1943, made out on 2 October 1946, Document No. NO-418; and the second for the period from 1 January 1944, on, made out on 2 October 1946, Document No. NO-419.

There is further "Plan of Organization of the Medical Service of the SS" by Professor Hrugowsky. Here again we have two charts, the first for the period up to 31 August 1943, made out on 11 October 1946, Document No. NO-417; and the second for the period from September 1943 on, made out on 11 October 1946, Document NO-417.

And finally, there is the "Working Plan of the Office of the General Commissar and the Reich Commissar for the Medical and Health Service" of 7 November 1946, Document NO-645. This has merely been signed by the defendant Karl Brandt.

I shall submit evidence that the position of the defendant Karl Brandt as superior as it is expressed in these charts is incorrect by examination of the defendant himself and the co-defendants Professors Handloser, Blume, Schroeder, Rostock, Hrugowsky and Ganzken. I may introduce affidavits of these witnesses. Furthermore, as proof of the position of the defendant Karl Brandt, I shall introduce the record of an interview on the German radio on 18 January 1944, from which it is evident that the defendant Karl Brandt expressly did not consider himself as the top of the German medical apparatus, but as "Differential".

The charges against the defendant Karl Brandt then are based on the general official connections which he had due to his position. The charges of participation in unwarranted experiments is based on the official contact between



the Office for Medical Science and Research with the research offices; further, on the official connection with defendant Karl Brandt had with the research office as a member of the Presiding Council of the Reich Research Council.

I shall submit evidence that the defendant Karl Brandt did not in this manner gain any general knowledge of all the experiments which were conducted anywhere and that in particular he did not gain knowledge of the kind of experiment and the conditions. I shall hear the following witnesses: For the office of science and Research I shall hear Professor Rostock and the defendant himself; for the Presiding Council of the Reich Research Council I shall hear the business manager Metzel and the co-defendants Sievers and Rudolf Brandt, and finally the defendant himself.

If necessary, I shall also submit evidence that general statements in the affidavits of the co-defendant Rudolf Brandt can be objected to, to the extent that the defendant Karl Brandt had knowledge of the experiments.

The prosecution further deduced the general responsibility of the defendant Karl Brandt from the knowledge about the experiments which he was alleged to have gained on the basis of attendance at medical congresses with lectures on the experiments. I shall introduce evidence against this by examination of the defendant himself.

Furthermore the prosecution refers to the personal relations of the defendant Karl Brandt to the University of Strasbourg, where individual members of the University allegedly have conducted illegal experiments. It is not necessary to introduce evidence against these relations, since the prosecution has not submitted any facts which show such relationship.

Finally, the prosecution pointed out that the defendant Karl Brandt belonged to the staff of Himmler and gave him medical advice. Evidence against this will be introduced by examination of: the witnesses Grothmann, Himmler's adjutant; the witness Ehlich, Medical Office of the SD; and the co-defendants Rudolf Brandt, Gebhardt and Sievers; and finally the defendant himself.

Now the special responsibility in the individual experiments. The accusation to the following five experiments: Count D of the indictment, Lost; Count E of the indictment, Sulfanamide; Count F of the indictment Transplantations and Regenerations; Count H of the indictment, Jaundice; and Count J of the indictment, Typhus.

In regard to Count D of the indictment, Lost:

First, the defendant Karl Brandt is held responsible for the experiments which were allegedly carried out in October 1939 in Sachsenhausen to test the drug F 1001. In this connection, a final report of 5 January 1940 by Grewia is referred to. In regard to this particular point, a participation of the defendant Karl Brandt is not to be considered, as he did not yet hold any official position at the time and no facts have been produced by the prosecution which could indicate participation.

In regard to the experiments in Buchenwald which were concluded in May 1943 and I refer to the affidavit of Dietsch, Document NO-1314, no facts have been produced either which incriminate the defendant Karl Brandt.

The defendant Karl Brandt is however held responsible, and the details are given, for the experiments which as the prosecution claims, were carried out by Professor Hirth in Natzweiler since 6 June 1942, and which were allegedly started on order of the Wehrmacht and continued on order of Himmler.

In this connection the prosecution bases its case on the following points:

a. on the chemical warfare agents Decree of 1 March 1944, which it does not know;

b. on the notations of 11 April 1944 in the diary of the co-defendant Sievers concerning Sievers informing the defendant Karl Brandt about the experiments of Professor Hirth;

Further, on the claim that the defendant Karl Brandt had a conference with Hirth about the details of these experiments in Natzweiler;

And finally, on the visits of the defendant Karl Brandt to

29 Jan 44 JF (S) - Harrow (II)  
Court No. 1

factories producing chemical warfare agents and their antidotes.

Against that I shall introduce evidence to the effect that the decree of 1 March 1944 contained only a commission for production, but did not, according to its proper meaning, contain any commission for research; I shall do this by examination or presentation of affidavits of the following witnesses; Speer, Schiebar, Kehrle, Quasenebarth, and Melenz, and through the examination of the defendant himself. Further through presentation of a letter of 11 October 1944 by Speer to Keitel concerning attitude toward production of gas.

I shall furthermore introduce evidence that the defendant Karl Brandt, after the conclusion of the experiments of Professor Hirth, received only a report on instructions for the treatment of wounds inflicted by chemical warfare agents which was distributed to him without being informed about the method of the experiments in detail. I shall do so by examination of the co-defendant Sievers and the examination of the defendant Brandt himself.

Thereupon I shall introduce evidence that the defendant Karl Brandt did not gain any knowledge about illegal experiments during the visit with Professor Hirth in Strasbourg. I shall do that by examining the defendant himself. And, further, that Professor Hirth complained to Sievers that the Defendant Karl Brandt was not paying any more attention to him. I shall do that by examining the co-defendant Sievers.

Finally, I shall introduce evidence that even after the promulgation of the chemical warfare agents decree of 1 March 1944 Hitler gave orders for the execution of experiments with H-gas, on his own, by examination of the co-defendant Professor Gebhardt and the witness Gens.

Finally, I shall introduce evidence, by means of an expert, that experiments with lost are, within certain limits, internationally customary and regarded as permissible by examination of the expert. I mention Professor Flury, but he is very ill and I shall have to call another expert.

We now come to Count E of the indictment, Sulfonamide. The in-



dictment states that from about July 1942 to about September 1943 experiments to investigate the effectiveness of sulfonamide were conducted illegally at the Ravensbrueck Concentration Camp for the benefit of the German Armed Forces and that the defendant Karl Brandt was responsible for that.

The charge is based on the following, in detail:

1) On the allegation that the Defendant Karl Brandt participated in the meeting of the Military Medical Academy in Berlin in May 1943 and that he there gained knowledge through a lecture of the illegal experiments: Against to this I shall introduce evidence to the effect a) that from the report of the Berlin meeting it cannot be seen that the experiments were illegal. I shall do that by examination of the co-defendant Gebhardt. b) that the Defendant Karl Brandt did not visit the Ravensbrueck Camp and did not participate in the experiments by examination of the co-defendant Fischer and the defendant himself, and finally, that the Defendant Karl Brandt did not have any conference in the sense of experiments on human beings with the interested parties by examination of the co-defendants Professor Rostock and Professor Handloser.

I now come to Count F of the Indictment, Transplantations and Regenerations. The indictment charges that from about September 1942 to about December 1943 illegal experiments on human beings were conducted at Ravensbrueck and that the Defendant Karl Brandt was responsible for this.

The charge is based on his presence at the meeting of the Military Medical Academy in Berlin in May 1943, where reports were made about the experiments.

Against this, evidence will be presented that the Defendant Karl Brandt was not present during the decisive lecture about the transplantations and did not gain any knowledge about the manner of their execution by examination of the co-defendants Professor Rostock and Gebhardt and by the examination of the defendant himself.

Now, Count H of the Indictment, Hepatitis. According to the Indictment from June 1943 to January 1945 experiments with Hepatitis were conducted on human beings in the Camps Sachsenhausen and Natzweiler in the interest of the German Armed Forces. To the extent that the experiments in the Dachau concentration camp formed the substance of the evidence

29 Jan 47-~~MAA-5-1~~-Kupperstein (IL)  
Court No. 1

presented by the prosecution, no position will be taken in regard to  
them, since these experiments are not the subject of the indictment.

The Defendant Karl Brandt is charged with having carried out the experiments in Sachsenhausen through the physician Dr. Dohmen, whom he commissioned, and is charged with having known about and promoted similar experiments in Natzweiler in the year 1944.

In answer to this, I shall introduce evidence to show the following:

First, that the Defendant Karl Brandt never engaged in or promoted research on Hepatitis and that Dr. Dohmen never worked on order of the Defendant Karl Brandt. I shall do so by examination or affidavit of the witness Professor Gutschik, of the co-defendant Professor Rostock and the defendant himself.

Further, that the Defendant Karl Brandt was in no way connected with the experiments with Hepatitis which were planned in Natzweiler and that these were not undertaken, by examination of the Defendant himself.

3. That the Defendant Karl Brandt was in no way connected with the giving of the order for or the direction of the Hepatitis experiments and that he neither spoke to nor corresponded with the business manager of the Reich Research Council about this question: by examination of the witness Hentschel, business manager of the Reich Research Council and the defendant Sievers.

4. That the defendant Karl Brandt, with the exception of the Document NO-010, that is, letter from Gravitz to Himmler, was never mentioned in connection with Hepatitis research.

Finally, that the opinion of the co-defendant Rudolf Brandt about the knowledge of the Defendant Karl Brandt of these experiments is not based on actual facts, by examination of the co-defendant Rudolf Brandt, who at that time made this assertion.

I shall further produce an expert opinion to the effect that Hepatitis is not a fatal or painful illness and that experiments cannot have a fatal effect, by written expert opinion (possible examination) of the expert Professor Maythaler. I mention here that he is sick in bed. Under the circumstances I shall have to call another expert.



I now come to Count J of the Indictment, Typhus. According to the Indictment, the experiments from about December 1941 to February 1945 in Buchenwald and Natzweiler were carried out for the benefit of the German Armed Forces.

1. The charge against Karl Brandt regarding Buchenwald is based on the contention that he found out about the experiments, which had already been concluded in February 1942, afterwards, at a meeting of the Military Medical Academy in Hohenlychen in 1944 through a lecture by Dr. Ding and the simultaneous protest of Professor Rose.

In answer to this, evidence will be introduced to the effect that the Defendant Karl Brandt was not present during the previously mentioned lecture of the Hygiene Division and that he was not informed about the happenings by examination of the co-defendant Rose and the defendant himself.

2. The charge against Karl Brandt regarding the experiments in Natzweiler is based on the fact that a carbon copy of the research assignment from the office of the co-defendant Professor Schroeder was sent to the Office for Medical Science and Research of the Defendant Brandt.

In answer to this I shall introduce evidence to the effect that from the written research assignment one could not determine where and under what kind of conditions the experiments were to be carried out, by examination of the co-defendants Professor Schroeder, Professor Rostock, Professor Rose and by the examination of the defendant himself.

We are now left with the Experiments with Polygal, Phlegmone experiments, experiments for the preparations of biological warfare, experiments with N-gas.

The prosecution touched upon these experiments during its presentation; they are, however, not contained in the indictment; therefore, no position has to be taken with reference to them, since they are not a subject of the Indictment.

29 Jan 47-M-44A-5-3-Mupperstein (II)  
Court No. 1

If the Tribunal should admit the addition of new charges, I apply to reserve right to submit applications for evidence in regard to these counts.

I now come to Count 9 of the Indictment, to the question of Euthanasia.

The charge of the Prosecution is to the effect that (1) between November 1939 and April 1945, in the course of a so-called "euthanasia program", hundreds of thousands of human beings, including foreigners, were killed, and that (2) in connection with this "euthanasia program" collaborating physicians were sent to the extermination camps in occupied Eastern territories in order to support the mass extermination of Jews there.

The charges in detail under the so-called "euthanasia program" are that the following were killed: a) sick ones, such as insane, incurable sick and deformed children; then concentration camp inmates and foreign workers, firstly for political and racial reasons, and then for inability to work.

The charge against Karl Brandt is based on, firstly, the Euthanasia Decree of 1 September 1939; secondly, participation in the preparation for the execution of the "euthanasia program."

Against the authorization for euthanasia, evidence will be presented to show (1) that the Defendant Karl Brandt did not participate in the preliminary discussions, which stretched over years, between Hitler and administrative agencies concerning the introduction of the euthanasia law, by examination or affidavit of the witnesses Lammer, of the co-Defendants Bock, Brack, and of the Defendant himself; further, that the authorization, in spite of the secrecy observed, was considered by all state agencies concerned to be a legally binding law, by examination or affidavit, of the witness Dr. Lammer, Brack, Schaub, or also, Bock and by the examination of the Defendant himself; (3) that the contents of the law referred only to German citizens whose life, after a critical examination of the state of health from the medical and the human point of view, was judged to be nothing but pain, by examination of the Defendant himself and of the co-Defendant Brack. Further, that war wounded and those injured at work, whose injury was the cause of their ill health, were to be eliminated from consideration for euthanasia, by examination or affidavit of the witnesses Schaub, Bock, of the co-Defendant Brack and of the Defendant himself. That the Defendant Karl Brandt represented exclusively those points of view, by examination of the witnesses Oegenhauser or Lehmann or Schwerin-Bresnick and by submission of an affidavit of Wechsung (he is the





was I hid in the fall of 1941, without the participation or knowledge of the Defendant Karl Brandt, by examination of the Defendant Karl Brandt himself.

I shall bring proof that the euthanasia performed in the concentration camps under the code name of 11 F 13 indicates a measure undertaken by the Economic and Administrative Main Office (AWM), and that the code name 11 F 13 is a sign of the filing system of that office. I shall show that by examination and affidavit of the witness Berger, (2) that the measures of the Labor Offices, ordering a transfer of invalid workers to mental institutions, had no connection with the agency of the Defendant Karl Brandt, by examination of the witness Seidel and of the Defendant himself. I shall further bring proof (3) that "Action T4", mentioned in the affidavit of the witness Schmidt, which was not submitted, is a classification which represents a certain priority a) in the economic production of medical supplies b) in the repair and construction program for medical buildings. (This included also the special hospital installations of the "Action T4", which were built by Karl Brandt from 1941 on in the districts under special danger of air raids.) I shall bring that proof by examination of the witnesses Schöber, Wehrlein, Rostock, Handloser, Graff, Schröder; information given by the directors of the hospital and special installations will be requested. I shall further bring proof that the Defendant Karl Brandt had no connection with an order to starve the sick persons in the mental institutions or have provided that the rations for these institutions should be reduced, by examination of the witness Backe.

As far as the charge is based on the affidavit of the witness Sauer, (4) 31, the defense objects to the use of this affidavit until it is possible to cross examine; I reserve the right to make later applications in this connection.

Evidence will be presented on the progress of the illnesses (and deformities as well as their course and life expectancy - as far as they were affected by the Euthanasia Authorization of 1 September 1939, by the examination of the expert Professor Gubler. Professor Siegmund will probably not be able to appear before March, so I shall have to confine myself to Professor Gubler.

A written opinion on euthanasia will be presented from the point of view of medical history by Professor Dieckhoff; from the point of view of forensic medicine by Professor Muller-Hesse.

Concerning legal, moral and medical conceptions of the possibility of euthanasia I shall submit a number of excerpts from international literature, with comments of doctors, theologians, and jurists.

The question of the discharging of doctors for participation in the extermination of Jews in the camps in the East has been discussed under Count I, sterilization.

I now come to the last Count of the Indictment, Membership in the Organization of the SS. Evidence will be presented, on this count, that (1) the Defendant Karl Brandt was only a *probans* member of the SS. I shall show that by examination or affidavit of the co-defendant Blume, and further, that the Defendant Karl Brandt exercised no activity in the General SS or the Waffen SS, by examination or affidavit of the witnesses Berger, Egonau, and of the co-defendant Gensaken.

I shall bring proof that the Defendant Karl Brandt was not Hitler's medical adviser, and that the SS was forbidden to contact him in medical matters, by examination of the co-defendants Gensaken and Gensaken.

I shall further bring proof that the Defendant Karl Brandt was shunned by the extremists in the East, and that he was opposed by Himmler, Goebbels, and Tersteegen, and which opposition finally resulted in his being condemned to death, by examination or affidavit of the witness Speer and the examination of the defendant himself. Further, I shall bring proof that the Defendant Karl Brandt was asked for assistance by important victims of political persecution, who considered him a politically objective and critical man, and that he promoted their interests, by submission of affidavits of Gerstenmaier, Mayer-Deckhoff, Sauerger-Fring, Schacht, et al. I shall finally bring proof that the Defendant Karl Brandt, in his external conduct, was not an extremist, by submission of statements and persons removed from National Socialism.

29 Jan 47-1-100-5-8-Kupperstein  
Court No. 1

And this is the end of my statement.

THE PRESIDENT: The Tribunal will now recess.

(A recess was taken)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: For the purpose of the Record, the Secretary General will file certificate from the physician of Defendant Oberheuser, showing her absence from the court today on account of sickness.

Counsel may proceed.

DR. NELTE (Counsel for the Defendant Handloser): Mr. President, Your Honors, the Defendant Handloser stands before you as the last highest-ranking medical officer of the German Wehrmacht.

The problem of this case is that he, who has not committed any individual offense of those which are the subject of the indictment, who has not issued any general decree or any specific order pertaining to the experiments under indictment here, is considered guilty by the Prosecution because officers which were subordinate to him in organizational or military respect, or medical officers who were members of such subordinate offices, were allegedly in some sort of connection with inadmissible experiments.

The fact that the Prosecution has not submitted a single document bearing the signature of Handloser, neither an order, nor a decree, nor a letter which was written by him or addressed to him, should, in view of the extensive field of duties of this defendant, suggest the supposition that there is no perceivably incriminating material against him.

The defendant will not try to minimize the importance of his high and responsible position; but the indictment obliges us to explain the framework of his position in such detail that the Tribunal can determine whether the crimes which were committed are in the field of that responsibility for which the Defendant Handloser has to answer according to law and justice.

THE PRESIDENT: Pardon me a minute, Counsel, we are short one English translation. Excuse me, Doctor, you may go ahead.

Responsibility corresponds to the field of duties. Therefore, it is first of all necessary to clear up this field of duties, that is, the competence, the functions, and the duties of the defendant in his official positions. It must be examined whether the sphere in which the crimes alleged by the Prosecution were committed belonged to the field of duties of the defendant,



whether he had the right to give orders or jurisdiction over the persons or offices primarily accused, and finally, whether in fact there was the possibility of preventing those crimes by virtue of knowledge of them.

Only if this can be answered in the affirmative does responsibility exist. This responsibility exists primarily toward the superior office, that is, that office from which the responsibility is derived. Moreover, a responsibility exists toward the law, the written law as well as the unwritten law of humanity.

The term responsibility, consequently has a dual character: 1), political or military responsibility; and 2), legal responsibility. Political and military responsibility need not be discussed before this Tribunal.

Legal responsibility presumes guilt. Therefore we must examine whether the facts forming the basis of the indictment actually took place because the Defendant Handloser was guilty of not having performed the duties incumbent upon him by virtue of his functions.

The Prosecution charges the Defendant Handloser first, with having planned wilfully and knowingly, together with the other defendants, war crimes and crimes against humanity, (fact of conspiracy); then it accuses him of having committed individual war crimes based on his special responsibility.

3) Count 1): CONSPIRACY

The Prosecution has stated that the case here on trial is one of the simplest and clearest cases for the facts of "conspiracy". I believe that the case of the Prosecution did not prove a "conspiracy", that is, a wilful and knowing planning and collaboration of the persons sitting here in the dock as well as of the offices represented by these persons.

The Prosecution has submitted to the Tribunal a chart showing all offices which dealt with medical matters in Germany. Then it has alleged connections between these agencies, which doubtlessly did exist; but, from the fact that these connections were of a general and organizational nature as must be the case in every other country between similar agencies under the jurisdiction of one central authority, it has drawn the conclusion that these connections must also have existed in those fields which form the sub

ject of the indictment. To me it seems to be essential to realize that the sphere of medical matters includes numerous fields which have not been mentioned at all by the Prosecution and whose field of activity has not been objected to by a single word. Therefore, the conclusion must be drawn for the present trial, that the activities of the German physicians and of the competent offices in these fields corresponded with the acknowledged rules of medical science.

Indictment and evidence have made quite particular facts the subject of a charge, namely: 1), Euthanasia and sterilization, with participation in which Professor Handloser was not charged, and 2), Experiments and investigations in various fields of research mainly on human beings in concentration camps. The relations between the defendants or the offices represented by them in fields which have nothing to do with the incriminating facts, cannot be considered as proof of conspiracy in those fields which are the subject of the indictment.

On the other hand, the indictment can be considered to be well founded in respect to this point with reference to the legal concept of complicity, only if - a) it is established that one or several defendants are connected causally and guiltily with the proved particular facts of war crimes and crimes against humanity, and b), if this proved committing of crimes can be derived from a wilful and knowing plan.

In regard to the question of conspiracy, which the Prosecution has dealt with as an independent count of the indictment, I refer in the legal respect to the statements of my colleague, Dr. Servatius, and to the judgment of the International Military Tribunal, (transcript pages: 1646/6, 16499, 16501, 16502/3, 16533, 16534/5), a copy of which I submit as Exhibit H. 1). In respect to the facts, the Chief Prosecutor (page 115 of the record) and later on, during the session of 2 January 1947, Mr. McHaney, (page 989 of the record) called the meetings of the "Consulting Specialists" a "typical conference of conspirators." In order to prove to the Tribunal the error of this assumption, I have filed an application for evidence: to produce the printed reports on the meetings of the "Consulting Specialists" in the period between 1940 and 1944.

On the basis of yesterday's decision of the Tribunal, I shall, in order to supplement the excerpts from the printed reports of the meetings which have been submitted by the Prosecution, also submit extracts. It is of decisive importance for this count of the indictment, that the Tribunal know the purpose, the significance, and the contents of these meetings as thoroughly as possible. For this purpose I submit as basic Exhibit HA-2 an affidavit of the Defendant Handloser concerning: "Necessity and purpose of the meeting of the 'Consulting Specialists'." I have also, meanwhile, named as witnesses for the legal character of these meetings: a), Professor Dr. Wirth, and b), Professor Dr. Killian.

C. The Official Position of the Defendant Handloser.

In order to explain the competencies, functions, and duties of the Defendant Handloser, the following evidence is offered:

- 1) Extract from Army Regulation 21, Number 17-Army Physician (Exhibit HA-28).
- 2) Extract from Army Regulation, 21, Number 5-11-Medical Inspector of the Army. (Exhibit HA-28a).

which show the duties of the defendant as army physician and as army medical Inspector.

- 3) Affidavit of the Defendant Handloser concerning: "Sphere of Work and Method of Work of the Administration of the Medical Services of the Army and the Wehrmacht" (Exhibit HA-29)

In order to shorten the examination of the defendant on the witness stand, and, on the other hand, to orient the Tribunal thoroughly on the sphere of activities of the Defendant, it seems expedient to submit a detailed statement of his functions. I shall read the affidavit only in part, in agreement with the Prosecution, and shall submit the affidavit officially for the notes of the Tribunal. In this phase of my case I shall also refer to the documents submitted by the Prosecution, dealing with the Fuehrer Decrees of 28 July 1 (Document NO-080), 5 September 1943 (Document NO-081), and 7 August 1944 (Document NO-227), as well as to the official instructions for the Chief of the Wehrmacht Medical Service.

29 January-M-DJG-7-5-Lesser  
Court No. 1

The following witnesses are to testify to the functions of the Defender  
Hendloser as well as to the official relations of Hendloser's offices to the  
Medical Services of the Wehrmacht Branches and to the Waffen-SS:



A) the former chief of staff of Army Medical Inspectorate, Generalarzt  
SCHMIDT-BRUECKEN,

B) the former chief of staff of the Chief of the Wehrmacht Medical  
Inspectorate, Generalarzt V. WUERFLER,

C) the former Generalarzt in the Army Medical Inspectorate HARTLEBER.

In this connection I shall also submit affidavits of the co-defendants  
GENZAK and BRUGOWSKY as Exhibits No. 16 and 17, for the connections between  
the defendant and the Waffen SS.

The Institution of the "Consulting Physicians".

The following documents are presented and witness named regarding the  
official position and the importance of the "Consulting Physicians" within  
the Medical Services:

1. The basis for the presentation of evidence will be the affidavit of  
the defendant Hendlaser.

"The Institution of the 'Consulting Physicians', which I offer as  
Exhibit HA-18.

2. The copies of the Nos. 232, 236 to 234 of the Instructions for War  
Medicine, offered as Exhibit HA-19, contain the instructions relating to the  
group of "Consulting Physicians".

3. The aforementioned Dr. Schmidt-Bruecken, Dr. Wuerfler, and Dr.  
Hartleber will testify as witnesses with regard to the actual functions of  
the "Consulting Physicians".

4. The former Generalarzt and Consulting Internist of the Army Medical  
Inspectorate, Generalarzt Prof Dr. GUTZKEIT, will also testify as witness on  
this subject.

5. Finally, I shall refer to the affidavit, Exhibit 6, not 20, of the  
former Generalarzt Dr. FENNER.

The Army Medical Inspector; the Chief of the Wehrmacht Medical Service  
and Research.

The defendant has enumerated in Document HA-29 the institutes subordi-  
nated to him in his capacity as Army Medical Inspector. The prosecution has  
not submitted that within any one of these institutes tests and experiments

were conducted such as are the subject of the indictment. It has merely been asserted that medical officers who served in or directed these institutes were allegedly in contact with offices which conducted such experiments.

Evidence is offered that this assumption of the prosecution is based on an error and also that the defendant Handloser in any case had no knowledge of any connections which these medical officers had with persons or institutions concerned with such experiments.

Documents of the prosecution regarding reports or knowledge thereof have not been presented.

The following are named as witnesses for the correctness of the claim of the defendant Handloser:

a) the former Oberstabsarzt and commanding officer of the Army Mountain Medical School St. Johann, Dr. SCHAEFER.

b) the former Oberstabsarzt and head of the research group in the mountain Physiological Institute of the Army Mountain Medical School St. Johann, Dr. GEBER.

c) the former Oberstabsarzt and head of the Institute for Typhus and Virus Research of the OKH in Grosse, Prof. Dr. LYER.

d) the former Oberstabsarzt Professor Dr. LANG, in the Military Medical Academy, Berlin.

e) Dr. Bernhard SCHMIDT, former hygienist in the Army Medical Inspectorate.

Also the above-mentioned witnesses Schmidt-Bruecken, Wuerfler, and Hartleben.

It is evident from the Exhibits HA-16 and HA-17 that the defendant Handloser had nothing to do with the research carried on by the Waffen SS.

The prosecutor, in reading Document No. 227 (page 152 of the record), overlooked the official note to I 2a and II, 2 contained in Document Book 1, page 19, which reads:

"The Wehrmacht in this sense includes the Army, Navy, and Luftwaffe, the units of the Waffen SS attached to the Wehrmacht, and the organizations and groups employed within the framework of the Wehrmacht

A relation to the Institute for "Military Scientific Research" of the Waffen SS in the "Ahnenerbe" did not exist.

In this connection I offer an affidavit by the co-defendant SIEVERS as Exhibit 15, not 21. Handloser was neither a member of, nor in any other function connected with the "Ahnenerbe" and its organizations. The prosecution has not submitted evidence of this or of any official connection.

Neither were there personal or official relations between the defendant Handloser and the "Reich Research Council" or the later "Military Research Association" (Wehrforschungsgemeinschaft).

The list of the members of the board and heads of special branches, submitted by the prosecution, reveals that Handloser was not represented in these organizations. Circular Letter No. 5 of the planning board of the Reich Research Council, dated 7 September 1944, regarding the creation of a "Military Research Association" shows - see distribution list - that the Chief of the Wehrmacht Medical Service was not even notified.

It is evident from the affidavit of the defendant SCHROEDER, offered as Exhibit HA-22, as well as from the affidavit of the defendant BECKER-FELYSUNG (Exhibit H-23) that the defendant Handloser, Chief of the Wehrmacht Medical Service had no competence whatsoever as regards the research of the "Aviation Medicine Research Institute", and the

research assignments issued by the Chief of the Medical Service of the Luftwaffe.

IV. The so-called Typhus Conference (Ding Diary  
Document No.-265.

In the extensive case of the Prosecution there is only one single assertion which affects the Defendant Handloser directly personally and brings him into relation with the uncorroborated experiments of human beings. This is the alleged conference on 29 December 1941, which, as is stated by the Chief Prosecutor, allegedly laid the basis for the criminal typhus experiments on human beings in the concentration camp Buchenwald. It is the first entry in the so-called Ding Diary (Document No. 265).

It reads:

"Conference between Army Medical Inspector Generaloberstabsarzt, Professor Dr. Handloser, Reich Health Leader, State Secretary, SS-Gruppenführer Dr. Conti, President Professor Reiter of the Health Office, President Professor Gildemeister of the Robert Koch Institute (Reich Institute for the Combating of Infectious Diseases), and SS-Standartenführer, Lecturer Dr. Wragowsky of the Hygiene Institute of the Waffen-SS, Berlin."

"It is determined that it is necessary to examine the tolerance and effectiveness of typhus vaccine from chicken vitelline eggs. Since animal experiments do not allow for sufficient evaluation, experiments will have to be conducted on human beings."

The Defendant Handloser emphatically denies having taken part in such a conference. He asks me to emphasize that at the end of 1941, there were several conferences regarding the typhus epidemic in the East and the consequent threat to Germany.

He will testify on this subject personally under oath when called to the witness stand. He denies, however, that at that time at a conference in which he took part, a decision was reached, to conduct typhus experiments on human beings, and also that such a conference



reveals a relation to research experiments of the SS in this field.

The Defendant Mrugowsky certifies in an affidavit (Exhibit HA-24) that the entry in the Ding-Diary of 29 December 1941 was forged or based on an error.

Furthermore, it is proved by an affidavit of Prof. Dr. Reiter (Exhibit H-25) who is said to have taken part in this conference, that the entry of Dr. Ding is not correct. The witness Dr. Kogon was not questioned by the Prosecution on the alleged conference and the entry to that effect by Dr. Ding.

The Prosecution, therefore, in this point of decisive importance for the Defendant Handloser, relies upon the entry in the diary of a deceased person who did not take part personally in this alleged conference. The Prosecution subsequently, submitted, it is true, the Dietzsch affidavit Document No. 1314. This affidavit states:

"After the conclusion of the experiments, Dr. Ding drew up a record in May 1942, in which he put down in writing the results of the experiment. I read these entries at about the same time and found among the files as Sheet No. 1, entries on a conference of physicians which was held in Berlin ....

At the meeting in November 1941, in which Professors Handloser, Schreiber, Gilmeister, Mrugowsky, Rose, and Dr. Ding took part, it was resolved to conduct vaccine experiments on human beings, after experiments with animals had failed to yield clear results."

Capo Dietzsch known to the Tribunal from the presentation of the Prosecution and from deposition made by witnesses, testifies on the alleged conference not from his own knowledge; for at that time - 29 December 1941 - he was not yet in the section of Dr. Ding, as he testifies himself. He relies, on the contrary, on the entry in the Ding diary. If, therefore, this testimony does not have an additional probative power, in comparison with the Ding entry, for the Prosecution case, it has considerable probative power in the defense of the Defendant Handloser, because it destroys completely the probative value of the first page of the Ding diary which has been

submitted.

The defense counsel of the co-defendant Murgowsky, my colleague Dr. Fleming, challenged the admissibility of the Ding diary as an exhibit. Although the Tribunal did not consider the objection justified concerning the entire document, nevertheless on basis of the testimony of Dr. Kogon and of the Dietzsch Affidavit it must be considered as proved that the first page of the Ding diary, which is the important point in the Handloser case cannot be recognized as an exhibit.

1. Dr. Kogon testified that Dr. Ding dictated the entries in the diary for the first half of the year of 1942 all at one time. Dietzsch confirms this testimony and declares that this dictation took place about in May 1942.
2. When it was pointed out in cross-examination that the title of the diary, "Department for Typhus and Virus Research" which became possible only at the end of January 1943, cannot be explained, Dr. Kogon suggested the explanation that Dr. Ding had the first page of the diary re-written later on.

Dr. Kagan meant that Dr. Ding had only the "heading" of the diary re-written.

The Dietzsch affidavit shows that not only the "heading" but the entire first page was changed in its contents: for the date of the conference in the submitted text of the so-called Ding Diary is 29 December 1941, whereas Dietzsch speaks of a conference in November 1941. Furthermore, the participants in this conference are listed differently. Dietzsch mentions Schreiber, Rose and Ding as participants, who are not listed as participants in the submitted Ding diary.

For the purpose of refutation of the statements made in the Balachowsky affidavit, I quote: (Document No. 484, No. 4):

"In the Central Committee of this Department we see the following personalities:

Dr. Handloser, Inspector General of the Medical Service of the Wehrmacht,

Dr. Graft, SS-Obergruppenfuhrer

Dr. Poppendick, SS-Gruppenfuhrer,

Dr. Gonsken, SS-Gruppenfuhrer.

I shall submit the affidavits of

Krugowsky (Exhibit H-24)

Gonsken (Exhibit H-25) and

Poppendick, (Exhibit H-26).

According to these affidavits there was no committee or "central committee" in the Section for Typhus and Virus Research.

D. Count II, 6a of the Indictment: High-Altitude Experiments.

The Prosecution has charged the Defendant Handloser under this count, as well as under the counts which are still to be discussed, with

"Special responsibility for and participation in these crimes."

In the documents submitted in the Prosecution case neither the name of Handloser nor any of his offices is mentioned. The experiments concern the Luftwaffe specifically. Since, according to the Prosecution, they lasted from March 1942 until about August 1942, and according to the Rosenberg

affidavit (Document NO-476) they lasted approximately until the end of May, 1942. Handloser as Chief of the Wehrmacht Medical Service can not have had any connection with these experiments; much less can he have participated in them, since the office of Chief of the Wehrmacht Medical Service was only created on 28 July, 1942 (Document NO-080) and, according to the Prosecution itself, the experiments must already have been concluded at that time.

The Prosecution has now attempted to prove a connection between the Army Medical Inspectorate and these experiments by quoting a remark contained in Document 1581b-PS, which reads as follows:

"Has the letter with the Gruber-Klotz report arrived?"

Following this the Prosecutor stated (page 233 of the record): The meaning of this remark is not quite clear. It is true that we find the name of Gruber mentioned in the freezing experiments, and, as I recall, we shall see that Gruber was an army doctor attached to the Institute in St. Johann. You will remember that this Institute was under the authority of Dr. Handloser in his capacity as Army Medical Inspector, and quotation.

The Tribunal will certainly not have failed to observe that the Prosecution made no attempt to prove that the "Gruber-Klotz" mentioned in Document 1581 b-PS is identical with the "Dr. Gruber" mentioned in connection with the cold experiments. The great difference in the names proves the incorrectness of this argument of the Prosecution.

It therefore emerges from the arguments and from the documents submitted by the Prosecution that the Defendant Handloser and the Army Medical Inspectorate are in no way connected with the high-altitude experiments.

Count II 6 B of the Indictment: Freezing Experiments.

The documents submitted by the Prosecution on this subject do not mention the name of the Defendant Handloser or any of the offices under his supervision as having ordered or participated in the experiments conducted in the concentration camp of Dachau.

In this connection the Prosecution has only stated that medical officer of the Army (from the Army Mountain Medical School at St. Johann) participated in the Luftwaffe meeting on "Winter Hardship and Distress at Sea" of



26 and 27 October, 1942, during which Prof. Holzloehner held a lecture on freezing experiments (Document NO-401). The Prosecution has further more stated that Oberstabsarzt Dr. Gremer, of the Army Mountain Medical School at St. Johann, is said to have discussed collaboration with Dr. Rascher after the meeting in Nurnberg. (Documents NO-319, 1579-PS and NO-431)

No letter or other document from Dr. Gremer or his office was presented, nor was any proof presented, that Dr. Gremer spoke with Dr. Rascher on official orders and that there was collaboration with the Army Mountain Medical School at St. Johann. But that would be necessary before one could conclusively claim participation of the Army Mountain Medical School at St. Johann, which was under the jurisdiction of the Defendant Handloser.

As the final report on the freezing experiments at Dachau was presented to the Reichsfuehrer-SS on 16 October 1942. (Document 1613-PS), the experiments were concluded before the participants in the Nurnberg conference could have heard about them.

Therefore, the Prosecution has presented no proof either of Handloser's "special responsibility" or of his participation or the participation of the Army Mountain Medical School at St. Johann.

Therefore, the charge against the Defendant Handloser on this count is not proved.

By way of precaution, the witnesses already named, Dr. Gremer and Dr.

Wierfler, are called to testify: That there was absolutely no participation of medical officers of the Army Mountain Medical School at St. Johann in the experiments which form the basis of the charge, and

furthermore: That even later no collaboration was officially agreed upon or took place.

finally: That reports were never made to the defendant Handloser on unwarranted experiments at Dachau or about proposed collaboration with Dachau.

The Prosecutor has referred (page 148 of the record) to the Army Mountain Medical School of the GKS at St. Johann in connection with the

freezing experiments.

The witness, Dr. Schaeffer and Dr. Greiner will testify that there was no connection between the freezing experiments at St. Johann, which are not mentioned in the indictment, and the experiments under indictment here.

Count I b C of the Indictment: Malaria Experiments

Document Book 4 of the Prosecution which refers to this subject, contains no document that mentions the defendant Handloser, which is signed by him or addressed to him, nor have the witnesses who have testified on this matter said anything that could incriminate the defendant Handloser. For want of any concrete incriminating assertion of the Prosecution against the Defendant Handloser, and the officers subordinated to him, it is impossible for me to offer evidence in his defense.

By way of Precaution: I present as Exhibit H. 3) an affidavit of Professor Dr. Hodeswaldt, formerly "Consulting Syphilist" of the Army Medical Inspectorate, as proof of the fact that within the Army Medical Inspectorate experiments in this field on human beings were never ordered or conducted. The witness, Dr. Wuerfler will testify that reports about such happenings were not received.

Count II b D of the Indictment: Lost (Mustard)

Gas Experiments:

According to the Indictment, Lost (mustard) gas experiments were conducted on human beings during the period from 1939 to 1945 in Sachsenhausen, Natzweiler and other concentration camps, on behalf of the German Wehrmacht.

The documents presented by the Prosecution show the following:

1. There is no document showing an order to or participation of the Wehrmacht in experiments in concentration camps or on prisoners.

2. Prof. HIRT's report about, and I quote: "Lost experiments conducted on behalf of the Wehrmacht" is not the report sent by HIRT in 1940 to his Generalarzt, but rather a report to the "Pharmerbe" about the report which he had previously submitted. This is shown by the third paragraph from the end of the report in question.

3. From this report it can be seen that HIRT conducted the experiments, which were carried out on orders of his Generalarzt during his assignment back home - evidently during the first half of 1940 - only on animals, furthermore, in two cadets of the Military Medical Academy in Berlin. These experiments can not be the subject of this indictment.

4. When HIRT specifies on page 3 of his report, I quote: "These experiments could not be carried over to human beings, as the beginning of the offensive in France called me back to my unit," and of quote; this proves that in his report to his superior Generalarzt he could not report on experiments on human beings - with the exception of the two cadets - on the other hand, the question remains open, whether the experiments planned but not carried out by HIRT were to be conducted on volunteers, which the two cadets doubtless were. Consequently this document lacks any probative force for the case under consideration, all the more so the defendant Handloser had been Army Medical Inspector only since January 1941, so that HIRT's report could not have been submitted to him in that capacity. The lost-experiments, dealt with in the document which has been submitted, have no connection with the Wehrmacht. The documents speak for themselves.

The Document NO-372, submitted by the Prosecution, (affidavit of the Defendant Rudolf Br 584) contains the following sentence, I quote;

"Apart from Karl Brandt and the other above mentioned persons,

Handloser and Rostock must also have known of these experiments."

end of quote. With regard to this affidavit, it must be said on principle testimony of witnesses, and affidavits should relate only fact based on personal knowledge.

The expression of an assumption, or a supposition without giving concrete facts on which the assumption, or supposition is based is inadmissible.

The affidavit of Rudolf Brandt insofar as it is quoted does not relate such concrete facts, however.

I submit in evidence Document H-4, an affidavit of Rudolf Brandt, in which he declares:

"I cannot submit any actual documentary proof of  
this assumption."

Exhibit H-4.



"In general it must be said for this case and also for later cases that the words of the indictment, "on behalf of the Wehrmacht", in themselves; that is, without concrete casual facts cannot prove the existence of punishable relation to the Defendant Handloser and his offices.

"During the war all medical investigations serve the Wehrmacht, but in the same way they serve the wounded and sick soldier who fell into German hands as prisoners of war, and furthermore they served the treatment of the inhabitants of the occupied territories. The standards for the medical care given prisoners of war were regulated by the Regulation on Medical Services in Wartime and the Agreement on the Treatment of Prisoners of War, Article 13-15, "Health Care in the Camps" (appendix to the Regulation on Medical Services in Wartime ) and the "Geneva Convention" for Improvement of the Lot of the Wounded and Sick of the Armies in the Field, which is known to the Tribunal. This was also attached to the Regulation on Medical Services in War as a supplement; it was binding on all medical officers. I add a copy of the pertinent provision of the Regulation on Medical Services in Wartime as Exhibit HA-5 and HA-5-a.

"The affidavit of Dr. Pomer, Exhibit HA-6, shows that the Defendant Handloser issued directives for the medical treatment of the population in the occupied territories.

"Finally a certified statement of the Swiss Colonel Dr. von Erlach on the care which the Defendant Handloser gave prisoners of war is also submitted as Exhibit HA-7" And I add that this morning I received a statement from the Swiss Colonel Dr. von Brunner to the same effect.

"Sulfonamide Experiments: Disregarding the affidavit of Dr. Fischer, the documents submitted on this count do not contain any evidence that the Defendant Handloser or his offices participated

in the experiments conducted by the Defendants Professor Dr. Gebhardt, Dr. Fischer, and Dr. Oberheuser in the concentration camp Ravensbrueck.

"The Defendant Dr. Fischer has testified in his affidavit of 21 October 1946 (Document No. NO-472), and I quote:

"When the sulfonamide experiments began, Professor Gebhardt, my military and medical superior, told me that these experiments were conducted order of the Chief of the Medical Office of the Wehrmacht and of the Chief of the State Medical Office . . . ."

"On this point I submit the affidavits of Dr. Fischer and of Professor Dr. Gebhardt as Exhibits HA-8 and HA-9, which show the following:

"a) Dr. Fischer states and I quote:

"It is not correct when this affidavit says that Professor Gebhardt had told me that the experiments had to be conducted by order of the Chief of the Medical Office of the Wehrmacht. I did not make such a statement."

"b) Professor Dr. Gebhardt states:

"It is incorrect that I ever told Dr. Fischer that these experiments were conducted by order of the Medical Office of the Wehrmacht."

"Dr. Fischer and Professor Gebhardt will also testify on the witness stand that the statement in Dr. Fischer's affidavit is incorrect, according to which the Defendant Handloser was present at the celebration of the 10th anniversary of the Hohenlychen mental hospital; Furthermore the statement of Dr. Fischer in his affidavit of 21 November 1945, that Dr. Stumpfegger was from the 'High Command of the Army', will be changed to read that he was a member of the staff of the Reichsfuehrer SS."

"An affidavit of Professor Dr. Pray, submitted as Exhibit HA-10 will confirm that the Defendant Handloser never ordered

sulfonamide experiments which would have conflicted with medically acknowledged principles. Concerning this count of the indictment, the prosecution has referred to the meeting of 'Consulting Specialists' of the Wehrmacht in May 1943, at which Professor Gebhardt and Dr. Fischer spoke on their sulfonamide experiments.

"The Defendant Handloser was present during this lecture. He cannot recollect the exact text of the lecture of Professor Dr. Gebhardt and Dr. Fischer. He will testify on the witness stand as to whether an uninitiated person could have realized from the statements made that the experiments on human beings conducted by Professor Gebhardt and Dr. Fischer had been based on inadmissible experimental methods. Affidavits will be submitted by other outsiders which answer this question in the negative. The affidavits which have been requested on the basis of written information have not yet been received.

"In judging from the point of view of criminal law, it must be considered that the experiments had been concluded when the lecture was held.

"Count II 6 F of the Indictment: Experiments concerning Bone, Muscle and Nerve Regeneration and Bone Transplantation: Everything said about Count II 6 E applies to this count, with the remark that the experiments in question had been concluded, according to the Dr. Oberhauser Affidavit (Document No. NO-487) early in 1943." But I must add that a report on this subject was not made in May, 1943 at the meeting of consulting physicians.

"Seawater Experiments: Document NO-442 (affidavit of Rudolf Brandt), Document NO-449 (Schroeder affidavit), then Document NO-474 (Schaefer affidavit) and Document NO-177 (record of meeting of 19 and 20 May 1944), and finally, Document NO-185 (Professor Schroeder's letter to Himmler of 7 June 1944) show that these were

special experiments of the Luftwaffe and the Navy.

"No documents or other evidence has been submitted which proves a relation of the Chief of the Wehrmacht Medical Service to these experiments. The Prosecution has submitted only an affidavit of the defendant Schroeder (Document NO-449), which says that the Defendant Handloser knew about the medical research work conducted by the Luftwaffe.

"This statement, which was given without any concrete reason for the assertion, has been corrected in an affidavit of the defendant Schroeder of 2 January 1947, Document HA-22. This states:

"1. If the Luftwaffe gave research assignments in fields of aviation medicine, it did not need the permission of the Chief of the Wehrmacht Medical Service."

"2. It is true that the Chief of the Wehrmacht Medical Service and the Army Medical Inspector did not participate in the discussions on the seawater experiments, nor were they informed of the details of the execution of these experiments."

"In this connection I also refer to the Becker-Freyseng affidavit, HA-23. This voids the Prosecution's assertion of the Defendant Handloser's special responsibility for and participation in these experiments.

"Experiments with Epidemic Jaundice: The name Handloser and the offices of the Chief of the Wehrmacht Medical Service and Army Medical Inspector are mentioned in none of the submitted documents, disregarding the affidavit of Rudolf Brandt (Document NO-371). The defendant Rudolf Brandt has stated in an affidavit of 21 December 1946, Exhibit HA-11, and I quote:

"When I said in this affidavit, Handloser must have been informed of it, that is a supposition. I cannot give any facts which show or suggest knowledge of Professor Handloser."

"In order to prove a responsibility of the Defendant Handloser in his capacity of Army Medical Inspector, the Prosecution



has referred to a Stabsarzt Dohmen and has stated (record, page 777), that the latter was a member of the Army Medical Inspectorate while Handloser was Army Medical Inspector.

"As a proof that this statement is not correct, the affidavit of Professor Dr. Gutzeit is submitted as Exhibit HA-12; this affidavit also corrects the other statements connected with the activity of Dr. Dohmen. Dr. Dohmen was a member of the Military Medical Academy, Training Group C, the commanding officer of which was Generalarzt Dr. Schreiber. This group was under the command of the commanding officer of the Military Medical Academy, which was an independent institute and, along with many other medical units, medical agencies and institutes, was subordinated to the Army Medical Inspectorate. The statement that Generalarzt Dr. Schreiber (Document WD-299) was subordinate to Handloser, which was also put forward at the meeting of 19 December 1946, is untrue as far as it suggests his immediate subordination to or membership in Handloser's agency as the Army Medical Inspector. Generalarzt Dr. Schreiber was, at that time, attached to the Military Medical Academy and was, therefore, subordinated to the Commanding Officer of the Army.

"Generalarzt Dr. Schreiber was also Plenipotentiary of the Reich Research Council for Epidemic Control, to which Handloser did not belong. For this reason Haagen asked Schreiber in a letter dated 12 June 1944 (Document WD-299) whether hepatitis research would in future be financed by the Reich Research Council or whether he ought to apply to the Medical Chief of the Luftwaffe for further funds.

"It was Schreiber, too, who asked for the temporary assignment of Dr. Dohmen (Document WD-299) and who arranged with the Commanding Officer of the Military Academy for Dohmen's assignment (Documents WD-300 and WD-124). The Army Medical Inspectorate and

Handloser were not responsible for this assignment, so that Handloser did not learn of these events.

"There can, therefore, be no question of any direct participation of the Defendant Handloser, nor was Dohmen a medical officer, for whose actions Handloser would have been responsible according to the Indictment 13.

"Typhus Experiments: The assertion of the Prosecution that by taking part in the conference of 29 December 1941, the Defendant Handloser caused the typhus experiments to be performed on human beings in the concentration camp Buchenwald, has already been discussed.

"In this connection, the Prosecution has assumed the existence of a connection between the Institute for Typhus and Virus Research of the OKH in Grawow and the Army Medical Inspectorate, and referred in this connection to a visit of the head of the Cracow Institute Professor Eyer, and the hygienist of the Army Medical Inspectorate, the fact that there was no connection with the typhus experiments on human beings in the concentration camp Buchenwald, and that the witness had no knowledge of the experiments charged here.

"The witness will also testify that no reports were submitted to the Defendant Handloser which either prove his connection with the concentration camp Buchenwald or, in particular, his knowledge of the experiments on human beings carried out in this camp.

"This applies to typhus experiments as well as to yellow fever experiments.

"The witnesses Schmidt-Braeken and Wuerfler will confirm this.

"The Defendant, Handloser, has also named Professor Dr. Lang, former head of the Military Medical Academy, as a witness that the blood serum preserves mentioned in the Ding diary were not sent for testing in the concentration camp Buchenwald. With regard to the lice shipments for the purpose of infection of human beings with typhus mentioned in the Ding diary, Professor Eyer will confirm as a witness, the affidavit given by the Defendant, Hoven, which is offered as Exhibit HA-13, according to which these lice shipments did not emanate from the Gracow OKH Institute but from Dr. HASS in Lwow, and had nothing to do with the Army Medical Inspector or the Chief of the Wehrmacht Services.

"The Defendant, Dr. Hrugowsky, will also as a witness testify to this.

"The typhus experiments of Professor Haagen in Matsweiler have no connection with the Defendant, Handloser, or any of his offices, as is evident from the documents submitted by the Prosecution. The interrogation of the witness, Eyer, did not prove that reports from Prof. Haagen reached the Defendant, Handloser.

"The Prosecution later submitted another affidavit by Rudolf Brandt of 14 November 1946. Herein the Defendant, Rudolf Brandt, testifies: "I quote: "SS-Gruppenfuehrer Dr. Karl Brandt, Generaloberstabsarzt Dr. Siegfried Handloser and other surely know of Haagen's experiments on human experimental subjects.

"In this connection an affidavit by Rudolf Brandt of 9 January 1947 is submitted as Exhibit HA-14 in which he deposes: and I quote: "This paragraph in my affidavit is not a factual deposition. I cannot give any concrete fact on which this opinion is based. I assumed on the basis of the explanation of the interrogator that it had been so."

#### Polygal experiments

"The Prosecution mentioned the Defendant, Handloser, on 22 January 1947 (Record, page 1021) in dealing with the Polygal experiments.

"In Document Book 11 offered in this connection, neither the Defendant, Handloser, nor any of his offices is mentioned. The Prosecutor

in presenting the Ahnenerbe diary (Document 3546-PS) remarked with regard to the entry of 26 May: "I quote: 'This research Institute was under the Defendant, Handloser, a fact to which we have referred earlier in the course of this trial.'"

"This assertion is not correct. In Cracow there was the Institute for Typhus and Virus Research of the OKH, which was under the Defendant, Handloser. The Prosecution itself calls the institute in question 'Institute for German Eastern



Research". I offer an affidavit by the Defendant, Stevens, as Exhibit HA-15 from which the incorrectness of the assertion of the Prosecutor is evident.

"The Prosecution in the course of its case offered documents as evidence of preparation for bacterial warfare. It can be seen from the documents that the medical collaborator, Prof. Dr. Kliewe, a member of the "lightning red" working community, dealt only with protective measures against possible damage in case of bacteria warfare. His work and his reports referred to this matter. Prof. Kliewe was subordinated for this task to the Army Weapons Office. Evidence. The witness, Prof. Kliewe, who has been named by the Defendant, Blome.

"In a trial in which the defendant is not charged with directly perpetrating, participating in or ordering a crime, it will be essential to understand correctly not only his sphere of office but also the actual management and the extent of his duties and, furthermore, his personality. Only thus will it be possible to decide whether credence should be given to his statement that he had no knowledge of the facts which the Prosecution alleges to be criminal as far as they touched his sphere of office.

"As evidence on this point, I refer to the affidavits by Generalarzt Dr. Penner and the Swiss Colonel, Dr. von Erlach.

"I shall further offer affidavits by Prof. Dr. Kurt Velt. (Exhibit HA-30) Dr. Stengels (Exhibit HA-31), the Prior of the Benedictine Abbey Maria Laach, Theodor Bogler (HA-32), Dr. W. Drexler (HA-33).

"I have requested but not received an affidavit from Colonel Dr. Brunder and the Prelate, Dr. Kroutz, the head of the Catholic organizations. The affidavit of Brigadier General Dr. Bircher has not yet arrived.

"Finally I offer a memorandum from the former Reich Student leader, Dr. Scheel, which shows the attitude of the Defendant, Handloser, toward the political influences of the Party on the young medical officers

being trained at the universities. (Exhibit MA-34)

"These documents will make it clear that in accordance with the personality and the actions of the Defendant, Handloser, one may believe that he had no knowledge of criminal experiments and would not have tolerated any if they had come to his knowledge within the scope of his responsibility.

THE PRESIDENT: The Tribunal will now recess until 1:45 o'clock this afternoon.

(A recess was taken until 1345 hours)

CORRECTED COPY

AFTERNOON SESSION

(The hearing reconvened at 13:5 hours, 29 January 1947)

BY THE PRESIDENT:

The Secretary General will note for the record that the Defendant's, Karl Brandt, Counsel, Dr. Servatius, has been excused from attendance at this afternoon's session. Dr. Servatius, Counsel for the Defendant Brandt, has made his opening statement this morning.

Counsel may proceed.

BY MR. HANS FRIBELIA (Defense Counsel for Defendant Paul Rostock):

Mr. President, Members of the Court: In submitting evidence in defense of Professor Paul Rostock, counsel can start from the fact that Prof. Rostock himself performed no criminal experiments on human beings. Nor has anything been presented by the Prosecution from which it might be inferred that he either ordered or suggested such experiments. In order to give a true picture of the activity which Prof. Rostock really exercised during the war, the defense will begin their submission of evidence by giving a brief description of Rostock's professional activity in various branches of medicine. This is necessary in order to make it clear along what lines Rostock used by far the better part of his energy and interest in the years from 1939 to 1945. Such a description will reveal that his activity as head of the surgical university clinic of Berlin, Zieheletrasse, his activity as an advisory surgeon of an Army, his work as the sole editor of the Central Journal for Surgery or Zentralblatt fuer Chirurgie which he combined since 1942 the duties as Dean of the Faculty of Medicine of the University of Berlin, engaged his time and energy to such an extent that his activity on behalf of Carl Brandt's office, which was added to his other work not until the last year of the war, could of necessity not exceed a limited scale. As far as can be recognized at this stage, the Prosecution does not present any charge

29 Jan 47 A-12-1-LJC-Samson (MSD)  
Court No. 1

against the Professor of Surgery of Berlin University, except for the  
latter short period, and only in respect to this subsidiary activity.  
For the whole



Court No. 1

29 Jan 47-a - 12-2 - LJO - Sampson

duration of the war, up to the end of 1943, he is merely reproached, together with 350 other advisory army doctors, to have been present at a meeting where among many others Gebhardt and Fisher gave also lectures. The question as to how far this can legally constitute a charge on those present at these lectures will be dealt with in detail when counsel submit evidence on behalf of the defendant Handloser, and counsel for Rostock will also refer to this subject in their defense so far as it is necessary.

Furthermore, a detailed description will be given of what the Scientific and research section with the Commissioner General for Health, which originated in the Winter, 1943, to 1944 under Rostock, did in practice do and what it did not do, Counsel will endeavor to show that although the attempt was made by Rostock's office during these last chaotic years of war to gather some information on the work done in the various research institutes, the information made thereupon available to his office was such that it did not enable Rostock's office to be aware of the fact that objectionable experiments on human subjects were performed in German Research Institutes.

Now that Prosecution evidence has established the fact that various research orders involving experiments on human subjects were actually given by a very different organization namely the Reich Research Council, it is obvious that the associations of the defendant Rostock with the Reich Research Council, which are alleged by the Prosecution, must be the subject of detailed evidence. Counsel for Rostock attach decisive importance to the clearing up of this point, and their argument is that the Reich Research Council was under the direction of its president, whose instructions were carried out by the heads of the different branches, and that the defendant Rostock was not a member in any of these latter organs of the Reich Research Council.

The so-called governing body or Praesidialrat, in which Rostock was not received as a member until the last year of the war, and only as Brandt's deputy, had, as will be proved, neither knowledge of, nor influence on, such research orders. It was a purely representative institution which did not exercise any real functions.

The possibilities for Rostock's counsel to submit evidence are comparatively limited. To their regret, counsel are not in position to submit the files of the division headed by Rostock in order to give the Tribunal a comprehensive idea of the work which was actually performed in this division. The complete files of his division were taken by Rostock to Bad Liebenstein. Rostock was interrogated after his capture in May or June, 1945, by the 7th Army Interrogation Center at Augsburg Darenkeller, and in the course of his interrogation, he also indicated the precise location of the files of his office. Subsequently some American officers came to Bad Liebenstein and took those files along with them. The part of these papers which is most important as evidence for the defense, was the correspondence with the various German research institutes, as well as what was called the Research Card Index, summarizing all the information communicated to Rostock's office by other agencies. Rostock has requested that this Research card index be submitted as evidence, and the Tribunal has approved this request. But unfortunately, counsel for his defense are not yet in a position to say whether they will actually receive those files for inspection, and whether they will thus be able to submit extracts as evidence in defense of their client.

It may perhaps be noted in this connection that in this trial the Prosecution have presented their documentary evidence in a manner which can only be called exemplary. Particularly those among the defense counsels who had to work their way through mountains of documents in the first Nurnberg Trial have highly appreciated that the document books were submitted in a well ordered and timely fashion. This encourages them to hope that it has not escaped the attention of

29 Jan AWP-14-Saslow (KSD)  
Court No. 1

the Tribunal that up to this date the Prosecution has not presented  
one single document as evidence against the defendants which bears



the signature of Rostock or is addressed to him.

In connection with this question of evidence, I think it my duty as a defense counsel to ask the Tribunal to give its attention to the fundamental question of how evidence in defense of the accused should be made available to their counsel. The Military Tribunal Number One is the first American tribunal of supreme rank before which a number of further trials of great importance are to be opened in this defeated country. But while in your own country, prosecution and defense are very largely given equal possibilities to gather and submit documents, circumstances are different in this case as a consequence of Germany's unconditional surrender. Never before in history has a modern state been so completely and so absolutely in the hands of the victors. Thus all existing archives and files of German offices and agencies are in the possession of the Allies. These documents have been collected in large document centers, where they are currently studied and analyzed. They are available to the prosecution in their search for documentary evidence against the defendants. Contrary to German law, American law provides that the prosecution only present evidence against the defendant. It would only be just and fair if a decision of principle made by the Military Tribunal Number One of counsel for the defense would be given access to these documents to a larger extent than has been possible until now. It appears that it is not sufficient for counsel to be authorized to receive a certain document which is already known, but, on the contrary, the search for documents in defense of the accused should be rendered possible by giving counsel access to the whole of the papers and files available in each particular case. If it should be considered undesirable to give German counsel this freedom, American lawyers might be attached to the German defense counsels and given the right to search for defense documents in the document center on behalf of the defense counsels. I believe that Rostock's case is one of those where the Tribunal would very quickly reach a just appreciation of his position if the comparatively small, strictly

29 Jan 4 JP-14-3-5a law (MSD)  
Court No. I

limited and complete files of his small office covering the latter's

activities of hardly eighteen months, could be submitted as evidence.

Under these circumstances, the documentary evidence to be submitted by Rostock's counsel would be limited to a few documents. Counsel will present two charts indicating the time relation of the human experiments, which are the subject of the indictment, to the general duties of the defendant Rostock. These charts will show that by far the greater part of the experiments were performed long before Rostock's short subsidiary activity with the scientific and research office, so that for this reason alone, there can be no question of his having had any knowledge or responsibility. Furthermore, a few affidavits of members of his office will be presented. The other evidence submitted by the defense counsel will be direct and oral. Counsel will do this by questioning the defendant Prof. Rostock in the witness stand. Among Rostock's assistants in his office, the most important witness whose hearing has been authorized, Herr Christensen, has been located and will be taken to Nurnberg. He has exact knowledge of the whole activity of Rostock within the science and research office, as well as of the correspondence with other agencies and he is, furthermore, the man who summarized the information in the research work in the research card index, which was mentioned a moment ago. Another witness, whose hearing was authorized by the Tribunal, is Herr Marie Margarethe Baldow. Her whereabouts are also known, and her transfer to Nurnberg has been ordered. From 1936 to 1945, she acted as head nurse in Rostock's clinic. She has knowledge of his activities during practically every single day of those years, and she is, in particular, in a position to give the Tribunal a picture of how much of Rostock's work during the last months of the war, which alone are of interest to the Tribunal, was taken up by his duties in his clinic, and how little time he was able to devote to Brandt's office. The last defense witness for Paul Rostock authorized by the Tribunal, Rudolf Mentzel is the principal secretary or Hauptgeschaeftsfuehrer of the Reich Research Council. He is one of those who is best in a position to explain the complicated group of

29 Jan \* ~~ALP-14-4~~ Sealow (MSD)  
Court No. 1

questions connected with the Reich Research Council and



its competence and acting assistants, and he will be able to confirm in particular that Rostock never took an active part in business connected with the Reich Council.

The cross examination of the witness Lyer has established that the information given in Document NO 883, Exhibit 314, which seemed to constitute a charge against Rostock, was essentially due to a mistake. One or two affidavits from co-defendants will make it clear that their own references to Rostock's name in some records of their interrogations were not made out of their own knowledge, but rather from mere assumptions. This would bring the submission of defense evidence on behalf of the defendant Rostock to a conclusion unless additional questions are raised in the further course of the proceedings.

DR. MARK: (For the defendant Schroeder.)

DR. MARK: Mr. President, and the Tribunal, the Prosecution regards Professor Dr. Schroeder as being also involved, together with the rest of the defendants, in a common criminal plan which during the period from September 1939 to April 1945 had as its aim the commission of war crimes and crimes against humanity.

THE PRESIDENT: Mr. Secretary General, you have given us the German Document, it is not the English translation.

(The Secretary General gave the Tribunal the English Document.)

I suggest that the defense counsel start his argument again. We now have the English translation.

DR. MARK: The prosecution regards Professor Dr. Schroeder as being also involved, together the rest of the defendants in a common criminal plan which during the period from September 1939 to April 1945 had as its aim the commission of war crimes and crimes against humanity.

Within the framework of this criminal plan, the defendant Professor Dr. Schroeder is also said to have had knowledge of cruel and tormenting experiments on living human beings or at least to have tolerated them and not to have undertaken anything to stop them, and in one case even to have ordered them himself. Furthermore, he is charged with special responsibility in view of his high position in the medical service of the Luftwaffe.

It is a general principle of the international criminal law and seems to be of decisive significance especially judicially examined in this trial, whether a defendant, like Professor Dr. Schroeder in this case, appears to be at all capable, according to his character and his entire personality, of participating in a criminal plan with an indefinite number of other men and of declaring himself from the very beginning to be in agreement with

the undertaking of a number of criminal actions not yet known to him.

With what type of personality are we dealing in the person of the defendant and former Generaloberstabsarzt of the Luftwaffe, Professor Dr. Schroeder.

All the strivings of this man were devoted to quiet, serious life work and professional work, moved by Christian spirit. His conception of his profession as a physician was always to help, to serve, and to cure the sick. His active cooperation in a leading position in the erecting and outfitting of hospitals and field hospitals was in accordance with this conception; in doing so he rendered his services without discrimination, to Catholics as well as to Protestants, as will be proved by the defense by submission of relevant confirmations and by witnesses.

Therefore, Professor Dr. Schroeder could not bring himself to join the Party or one of its subsidiary organizations; he rejected everything that limited personal liberty, and he never made any secret of his rejection of the brutal methods of the Party and the Nazi government, so that his friends frequently had serious fears for his freedom, yes, even for his life.

The defendant was furthermore of such a character that he was ready to sacrifice even his official position and his office for his conviction.

The defense will prove by means of witnesses that at the time when he took the official position as Chief Medical Officer of the Luftwaffe, in the beginning of 1944, he stated quite openly to members of his family as well as to his subordinates that he would immediately resign from his office at any time, if he should be required to do anything which he could not reconcile with his conscience.

It is obvious that a man with such aims and of such qualities

fect.

responsibility of this defendant.

be informed about the letter's current status.

always appointed as his deputy.

have any close contact with the central office in Berlin.

disfession!



dock shows further that there is no homogeneity of the defendants among themselves. There exist, rather, between the defendant Prof. Dr. Schroeder and a large number of co-defendants the most pronounced ideological contrasts as well as insurmountable contrasts in the conception of the medical profession and of the ethical obligations of the physician. The defendant Prof. Dr. Schroeder would never have agreed to lend his hands to any kind of experiments on living human beings, whose course he was unable to direct and where it would have been impossible for him to eliminate from the outset injuries to the health of the experimental subjects or even danger to their lives by appropriate instructions.

In addition to this, Schroeder was personally closely acquainted with only very few of the defendants, who, like him, were medical officers of the Army or the Luftwaffe. Some of the other physicians he was more or less acquainted with in a purely professional way; the majority of the defendants, however, he knew only by name, not even personally or through official contacts.

It is clear that under these circumstances one cannot speak of any kind of common activity or of action according to a common aim.

Furthermore, the prosecution concludes from the fact that during the time in question about four so-called "Consultation Meetings" took place, in which representatives of the highest medical offices of the Wehrmacht, of the Reich Physicians' Leaders office, as well as all Consulting Physicians of the Wehrmacht participated, that these gatherings formed a part of the criminal planning, which then took effect in the experiments on human beings in the concentration camps.

In regard to this point, the defense will prove that the defendant Professor Dr. Schroeder participated in only one of these meetings in 1944 at Sonthofen, and that at this meeting he was interested merely in his specialty.

Now, as to the details in regard to the question of experiments on human beings, there is the following to be said:

1) The defense will prove that, with the exception of the experiments to make sea water potable, Schroeder did not know about or participate in any of

the experiments listed in the indictment.

2) That, on the contrary, he heard for the first time of the crimes which are being charged only after the end of the war, about October-November 1945 as a prisoner of war in England, through press and radio.

3) That in the period from 1 February 1940 until 31 December 1943 he was continuously employed as leading medical officer of Air Fleet 2 and physically far distant from the central office in Berlin, without any close contact with the Medical Inspectorate.

The prosecution furthermore charges Professor Dr. Schroeder with special responsibility for experiments conducted in the framework of research assignments.

1) Concerning the effect of the sulfonamides

Professor Dr. Gebhardt and his assistants Dr. Fischer and Dr. Bertha Oberhauser conducted experiments on this matter. Outside of the unproven assertion that as second highest officer in the Medical Service of the Luftwaffe Prof. Dr. Schroeder must have known about the experiments, the prosecution does not submit any evidence whatsoever in support of its contention. The prosecution can only refer to an affidavit by the co-defendant Fischer, which, however, since it is based on an error on this point, will be rectified.

The defense will demonstrate that Professor Dr. Schroeder did not know anything about these experiments. He heard about them for the first time through the indictment which was served upon him.

2) Concerning the question of Yellow Fever, Typhus, and He patitis.

The executing physician in the three last-named assignments was Professor Dr. Haagen in Strasbourg.

First of all, the prosecution submits that, as Oberstabsarzt of the Reserve of the Luftwaffe and as Consulting Hygienist of Air Fleet Center or The Reich Fleet Center, Prof. Dr. Haagen was officially subordinated to the Medical Inspectorate.

The defense will likewise prove that the Medical Inspectorate had nothing to do with the activity of Haagen here in question. The Consulting Specialists

insofar as they were directors of well-known clinics and scientific institutes, retained, in addition to their activity in the Wehrmacht, the direction of their civilian institutions, since generally they were indispensable there. It was the duty of the medical offices in charge, together with the Consulting

Physicians, to find a solution of this double position which was satisfactory for both spheres of duty. In doing so, one thing had been established on principle, the Consulting Physician bore the full responsibility toward the civilian supervising agency for his activity in the civilian sector. This activity was in no way subordinate to the supervisory duty of his superior military medical offices.

- 1) It is apparent already from the documents submitted by the prosecution that Prof. Haagen was given two quite distinct types of orders, because of his previously demonstrated double position. Haagen was Oberstabsarzt in the Reserve Corps of the Luftwaffe, but on the other hand his main position was as Ordinary Professor for Hygiene and Director of the Hygiene Institute of the Reich University Strasbourg. Haagen used this latter position, without the chief medical officer's knowledge -- which did not violate his duties -- to obtain research assignments independently of the Luftwaffe and in addition to the orders already given by the Luftwaffe, assignments in the same fields, but with entirely different aims.
- 2) As early as 1941 and 1942 Haagen had received "Research Assignments" from the Luftwaffe, which, however, are more properly described as "Assignments for the production of vaccines", for the production of influenza, yellow fever, and typhus vaccines; according to the status of the production at the time and the consumption of money, he asked for additional means and for extension of the time limit of the assignment. The experiments required for this were exclusively experiments with animals and pure laboratory work; they did not call for experiments on human beings, in any case. The vaccines could be used for protection against yellow fever or typhus without danger to the health and life of human beings after having been tested in the laboratory on animals. These assignments given out by the Luftwaffe were, in accordance with their contents, given out openly; they did not need the protection of secrecy.

In contrast to this were the research assignments which Haagen received from the Reich Research Council in connection with the Institute



for Military Scientific Research in his capacity as Director of the Strasbourg Hygiene Institute. These orders were not open; they were sent as "Top Secret" under the protection of strictest secrecy.

1) In the framework of these assignments under the protection of secrecy, Hagen undoubtedly undertook experiments in concentration camps.

The defense will prove that the Defendant Professor Dr. Schroeder did not have any knowledge of these experiments. This is evident from the following:

a) All of the requests for prisoners and the entire correspondence on this matter marked "Top Secret" went either directly to the Institute for Military Scientific Research and to the Reich Research Council or via Professor Hirt of Strasbourg, who had been included in the work and who, as confidential agent of the Ahnenerbe Society and agent of the co-Defendant Sievers, was located in Strasbourg, to the Main Administrative Office of the SS in Berlin.

b) Due to the secrecy imposed on this work, Hagen was obliged to maintain absolute secrecy about this work toward all persons who had nothing to do with that work. Thus, of course, there was no reason to inform the Chief Medical Officer, since the production assignments of the Luftwaffe had no connection with these research assignments to Hagen.

c) The defense will prove, by means of excerpts from the correspondence of Hagen, that this correspondence was carried on by him in his capacity as Director of the Hygiene Institute and not as Consulting Hygienist of the Luftwaffe.

d) The ignorance of the office of the Chief Medical Officer regarding Hagen's experiments on human beings is evident from the inquiry addressed to Hagen by the Chief of Staff of the Chief of the Medical Service of the Luftwaffe, Oberstarzt Dr. Kahnt, in June 1944 regarding the cases of typhus which had occurred in the Natzweiler camp. Such an inquiry would never have been made if the office of the Chief Medical Officer had known that Natzweiler was a concentration camp, since all matters concerning concentration camps were handled by the SS as its exclusive domain, and it refused even to report epidemics among

29 Jan. 47 A-15-3-PKP- Blakley  
Court No. 1

concentration camp inmates to other offices, e.g. the Wehrmacht, as was usually required between military and civilian offices - Health Officials, Health Offices, etc. The only conclusion that remains is, therefore, that even Oberstarzt KAHNT as Chief of Staff did not know that Natzweiler was a concentration camp, but assumed that it was one of the

numerous barrack camps for the purpose of using of troops and that it was newly created during the war.

The defense will prove that the defendant Prof. Dr. SCHROEDER did not have any personal knowledge of this letter of his chief of staff, since he happened to be on an official trip to Italy at the time in question.

e) The Counts in the Indictment regarding experiments on human beings concerning yellow fever and hepatitis are eliminated in any case since the prosecution did not submit any evidence at all to conducted in these two groups.

From the documents submitted by the prosecution it is quite obvious that a clearly delimited production assignment for yellow fever vaccine was issued in 1942 and that it was withdrawn after the African theater of war was given up, in July 1943.

There was no hepatitis research assignment for HAGEN on the part of the Luftwaffe at all. The assignment had likewise been issued as "Top Secret" by the Reich Research Council.

As the submitted documents prove, HAGEN selected assistants for the execution of his experiments from the circles of the established specialists, without considering their membership in one or another part of the Wehrmacht. Thus Prof. GUTHE and BREUER belonged to the Army, BRUNNER and KLE to the Luftwaffe.

As the witness EIER has already testified before this tribunal, no experiments on human beings were conducted with reference to the hepatitis assignment.

We shall substantiate this evidence extensively through additional witnesses.

Regarding the typhus experiments on the basis of the order of the Reich Research Council, the prosecution neither offers reasons for nor proves a knowledge of these things on the part of the defendant Prof. Dr. SCHROEDER. On the contrary, we shall be able to demonstrate by tacit acquiescence unambiguously by the testimony of witnesses that

Prof. Dr. SCHROEDER could not have known anything about them.

Concerning the experiments to make sea water potable, the following is applicable:

1) In accordance with his basic attitude toward medical ethics, which was described in the introduction, SCHROEDER condemns all experiments on human beings which could bring about injury to the health or even death. He draws the line of demarcation even more sharply against such experiments on living human beings, if they could be undertaken with intent to torture and with intent from the outset to kill. Neither do such experiments, as for example, those of RASCHER and DING, according to his attitude have anything to do with medical science, nor do the people who conduct them have the right to claim to be called physicians or scientists. He considers that they are criminals and have to be judged accordingly.

2) SCHROEDER could agree only to experiments in which, under application of all scientific principles and precautions, the occurrence of an injury to the health was impossible according to the recognized principles of medical experience.

Here it has to be considered in his favor that, in this case, special circumstances prevailed, which made it possible to conceive the undertaking of experiments in a concentration camp and which, in a sense, forced them to be executed there.

Special weight against the defendant is given to the fact that in the letter to the Reich Minister of the Interior and the Reichsfuehrer SS of 7 June 1944 he did not mention that the experiments planned in the concentration camp Dachau were to be carried out on voluntary experimental subjects and that he had consented at all to the undertaking of these experiments on concentration camp inmates.

The defense will prove that Prof. Dr. SCHROEDER, first, did ever think possible in order to see to it that these experiments be carried out at a Luftwaffe hospital or at the Medical Academy of the Luftwaffe as to experiments, and that only a whole series of circumstances, which will be



detailed later, forced him to desist from this original plan. He assured himself, however, in an extensive conversation with the Reich Physician SS Grawitz that, even under the changed conditions, the prerequisites for the experiment would remain the same as in the originally planned troop experiments, especially the voluntary nature of the experimental subjects.

3) It is evident, further, from the ordering of the experiments and from the clear and definite directives issued for their execution to the director of the experiments, that the defendant Prof. Dr. Schroeder was guided by the aim of eliminating every injury to an experimental subject and of continuing the experiment only to the limit of the compatibility of the amount of water administered in each case, but to discontinue them immediately, when this limit seemed to have been reached and the conclusion of the experiments seemed desirable from the subjective point of view of the experimental subject, who refused further acceptance of water if the experiment was continued, as well as objectively, according to the physiological findings.

The defense therefore believes that it can prove that the defendant Prof. Dr. Schroeder in no case went beyond the limits which have been imposed upon the physician and scientist in the exercise of his profession by the ethical-medical and moral-human principles of medical science recognized throughout the world.

We are, moreover, of the opinion that the defendant Prof. Dr. Schroeder, through the order to conduct experiments on making sea water potable, by careful preparation, by consulting recognized, proven and experienced scientists, and by the execution of the experiments under the supervision of a scientifically proven, medically experienced university professor of sound character, created the prerequisites for the best scientific work, and that, with the result achieved by these means he helped to solve a problem of enormous

29 Jan.-15-35-A-ATD-Blackley (EK)  
Court No. 1

value for humanity not only during times of war but, over and  
above that, for tasks of peace, the problem of rescuing human beings  
in distress at sea from dying of thirst.

Mr. President: Your Honors!

The Defendant GISELER was chief of the Medical Service of the Waffen SS from the time it was organized. He was in charge of all the medical care of the troops of the Waffen SS, that is to say medical, dental, pharmaceutical, and hygienic care of the four original and later 36 divisions of the Waffen SS. In his capacity as Chief of the Medical Service of the Waffen SS he had no scientific research problems to solve, never actually raised such problems himself nor ordered their execution. Scientific research and planning were not, as the evidence will clearly show, in the hands of the Defendant GISELER, but exclusively in the hands of the Reich Physician SS and Police Dr. GRAWITZ. The sole and exclusive task of the Defendant GISELER was the medical care of the fighting units of the Waffen SS at the front and their reserves at home. At the end of the war the Waffen SS comprised about 900,000 men, the medical personnel alone amounted to over 40,000 persons at the end of 1944. GISELER alone was responsible for the professional direction and personal management of this personnel, the 61 hospitals and the medical units, and finally for the medical care of the entire Waffen SS. It is clear that this huge and extensive task, led and directed by him alone, left him no time to take even a superficial, not to mention a detailed interest in any scientific research or planning.

In the presentation of my evidence I shall first, by examining the defendant as well as the witnesses whom I have called, present to the Tribunal evidence of GISELER's non-participation in the alleged conspiracy of the defendants. In particular, I shall prove that GISELER was in a very tense relationship with GRAWITZ as well as HIRSCHER, that he had considerable controversies with both, and that consequently both of them considered him "persona ingrata et incerta", and so that for this reason alone it must seem improbable that GRAWITZ and HIRSCHER would initiate him into the experiments on concentration camp inmates which these two planned and ordered, or would

28 Jan-2-1944-16-1-Burns (JP)  
Court 1

even inform him of these experiments.

" " If even the originators of these experiments did not want the Defendant Gansken to be informed about their experiments, the executing agents could certainly not have done so. I shall furthermore prove,



through the defendant, that with one single exception he did not discuss the experiments with which he is charged with any of his co-defendants or with other persons, and that he did not request or receive any scientific reports or carry on any correspondence about these experiments. Aside from this general point of view of conspiracy and membership in the SS, GISELIN is charged with special responsibility for alleged participation in the sulfonamide, typhus, phosphorus, and poison experiments. He is not charged with active participation in these experiments. It is only asserted that, in spite of allegedly complete knowledge, above all of the typhus experiments, he did not do anything against them. Dr. DIEB, the director of the Section for Typhus and Virus Research in the Buchenwald concentration camp, and the latter's superior, the co-defendant KREJCOWSKY, are alleged to have been his subordinates. It is asserted that Gensken carried on continuous correspondence with DIEB and was therefore accurately informed about the typhus experiments; also that he consciously tolerated and promoted the sulfonamide, phosphorus, and poison experiments. The Prosecution attempted to prove its assertions regarding participation in the typhus experiments by submitting affidavits of the co-defendants HOFFER and KREJCOWSKY, by submitting the DIEB diary, and through the witness Dr. KROCK. I shall on the other hand bring proof, by examining the defendant and through defense witnesses, that no such criminal responsibility of Gensken can be assumed. It will, in particular, appear from the evidence that GISELIN did not suggest, tolerate, or know any details about either the establishment of the research institute or the execution of experiments on human beings. The evidence will show that Reich Physician GRAUITS ordered the experiments without any previous or subsequent participation of the Defendant GISELIN.

It is true that GISELIN knew Dr. DIEB. He did not, however, order Dr. DIEB's assignment to Buchenwald, and he never requested scientific reports from him or received such reports unsolicited; he never accepted DIEB's occasional invitation to visit him in Buchenwald.

23 Jan 47. ~~A MA 16-2 Burns~~ (MSD)  
Court No. I

What ~~CHAZER~~ knew of Buchenwald was merely the fact that a station existed for the production of the typhus vaccine which was urgently needed by the units of the Waffen SS, and that from about the Spring of 1943 approximately 30,000

doses of vaccine were to be produced monthly. He never learned anything about deliberate causing of infections, series of experiments, or deaths running into several digits, nor has the Prosecution been able to present any conclusive evidence to this effect. Whether and to what extent the purely formal relationship of subordination of the co-defendant MUGOWSEY and the deceased Dr. DING to GLAZIER incriminates the latter in the sense of being criminally punishable will also be clarified in the course of the presentation of evidence.

As for the sulfonamide experiments, the Prosecution believed that it could deduce criminal participation of the defendant by proving that the bacteria cultures used for this purpose in Ravensbrueck and even the wood and glass

Court I

29 Jan 47 - 16-1a - LJO

particles needed for the artificial contamination of the wounds were delivered by the Hygienic Institute of the Waffen SS.

I shall prove through defense witnesses that the execution of these sulfonamide experiments was no more in the field of work of the Medical Office of the Waffen SS than the typhus experiments, the question of whether the experiments are punishable remains open. Moreover I shall prove that nothing was known about these experiments in the Medical Office of the Waffen SS either to the Defendant Gensken in particular knew nothing about them. Whether, beyond that, the shipment of gangrene cultures, etc., from the Hygienic Institute of the Waffen SS to the concentration camp Ravensbrueck in itself constitutes a punishable action of the Defendant Gensken will also be cleared up in the course of my presentation of evidence. Moreover, the Prosecution has not been able to present any evidence here, either, to the effect that Gensken himself had anything to do with the delivery of the cultures.

The Prosecution, further to support its charges against Gensken, refers to the East meeting at the Military Medical Academy in Berlin in May 1943 and in this connection presented an affidavit by the co-defendant Fischer stating that Gensken was present at this meeting and heard Fischer's report on sulfonamide experiments.

Fischer is mistaken. He will not only correct this testimony in this respect himself, but, moreover, the defendant and witnesses will prove that Gensken did not hear Fischer's report. Whether or not the conclusions drawn by the Prosecution from participation in this meeting are at all pertinent from a legal point of view or not, these arguments do not apply to the Defendant Gensken because he did not participate in the meeting.

Finally, as to counts 6 K and 6 L of the indictment, namely poison experiments by administering poisoned food, etc., and experiments with phosphorus incendiary bombs, I am completely at a loss to see how the defendant could have had anything to do with these experiments, which



took place in the concentration camp Buchenwald beginning in the late fall of 1943. It has already been established and will be emphasized once more during the presentation of evidence that from 1 September 1943 the Hygienic Institute was no longer under the defendant Gensken, but under the Reich Physician SS Grawitz. The same is true of the subordination of the co-defendant Brugowsky. The Prosecution's contention that Brugowsky, whom the Prosecution attempts to make primarily responsible for these experiments, was Gensken's subordinate is incorrect in this respect. For these experiments took place at a time when the Hygienic Institute under Brugowsky had already been taken away from the defendant Gensken.

Nor did Gensken have any knowledge of these experiments; he learned of them only through the indictment. This will be shown unequivocally by the evidence.

The evidence in the Gensken case will show that it was not the duty of the defendant to conduct scientific research or experiments on prisoners, but only to give medical care to the troops of the Waffen SS.

The case for the Prosecution may at first give the impression that Gensken, at least by tacit toleration, participated in experiments. The case for the Defense, on the other hand, will show that is not so; it will show that the Defendant neither ordered such experiments nor tolerated them, nor knew anything about the methods used in such experiments, but that he worked only as a physician, soldier, and organizer in the medical service of the Waffen SS.

THE PRESIDENT: The Tribunal will now be in recess for a few minutes.

(A recess was taken to 1515)

THE PRESIDENT: The Tribunal is again in session.

THE PRESIDENT: Counsel for Defendants Gebhardt, Oberhouser and Fischer may proceed.

DR. SEIDL: For the Defendants Dr. Karl Gebhardt, Dr. Herta Oberhouser and Dr. Fritz Fischer.

Mr. President, Your Honors: The experiments carried out on behalf of the German Wehrmacht represent in the indictment a separate group which has nothing to do with the other actions forming the grounds of the indictment. Although it may be true that the individual experiments differ considerably in method, and scientific result, and consequences, one point is common to all of them: they were brought about by the necessities of the war, and their results were to help the hard-fighting armies and the nation, which was involved in a life and death struggle.

The Defendants represented by me are accused of special responsibility for all or some of these experiments. In view of that, I shall deal only with that part of the indictment and testimony, and shall pay no attention to the other points of the indictment.

Nevertheless it seems necessary to begin with a few fundamental remarks with respect to the statement of the Chief Prosecutor.

The prosecution explained that the Tribunal has a twofold responsibility in this case. On the one hand the defendants must have a fair trial and a just sentence, which responsibility, however, is borne by every regular court. But also, it was stated -- and this is much more important -- the incredible facts and ideas and motives must be established which moved these defendants. The insane and vicious doctrines of National Socialism have to be brought to light; otherwise there is the danger of a repetition of such misdeeds, which could not be survived by the civilized world.

There can be no doubt that this intention is a source of considerable danger for an objective and just verdict. The purpose of all criminal proceedings is the discovery of the material truth. The first prerequisite for the discovery of the truth in a court trial is the impartial establishment

of the objective facts. This includes all the circumstances, which are in direct connection with the deed itself. It is necessary to establish these objective facts to solve the problem of the illegality of the action and the guilt of the defendants, and to apply the law.

It goes without saying that the motives that led to the actions of the defendants must also be thoroughly examined. The defense too is particularly interested in clearing up these facts.

It seems, however, superfluous, and imperils the finding of a just verdict, to include as one of the points of the trial the general political and philosophical principles, which allegedly led the actions of the defendants as their consequence. In this trial we cannot place the political and

philosophical principles independently beside or above the accused persons. The object of the trial is specific actions and not the examination of the question whether a political or philosophical conviction might generally be expected to result in criminal actions or in a certain type of crime.

There is all the more reason to point to this peril since in another trial, which dealt with similar problems, the tribunal apparently did not limit itself to the ascertaining of the facts which formed the basis for the indictment and the legal guilt of the accused, but in addition passed judgment also as basis for the verdict. I refer to the review of proceedings of the General Military Court at Dachau vs. Schilling et.al. (Document NO-886), which the prosecution submitted as Exhibit No. 125 in the course of the testimony on the malaria experiments and where it says literally in paragraph XIV:

"In many respects the accused Schilling was the most reprehensible. He voluntarily came to Dachau fully cognizant of the nature of the work he intended to perform. Being the educated and learned person that he was, Schilling undoubtedly must have realized the manner in which his work suited the needs of the Nazis. Although his personal motives may have stemmed from the desire to aid humanity, he permitted himself to utilize Nazi methods in contrast to other eminent German artists and scientists who either fled or refused to make themselves a part of the Nazi system."

I believe it is generally accepted that the value or truth of a philosophic system or a specific "Weltanschauung" cannot be ruled on by a court of law. Whatever our opinion may be of the value of the National Socialist theories, there can be no doubt that legal proceedings can no more pass judgment on the value of this philosophic and political program than it can on the value and truth of historical materialism or any similar doctrine. A legal proceeding can only concern itself with the investigation of concrete acts and with the application of the law to these acts. No vital importance can be attached to National Socialist ideology in the solution of the problem whether or not a specific act or failure to act on the part of these defendants is illegal and punishable and hence of the



nature of a crime. The introduction of philosophic and political principles in a criminal proceeding is always a threat to the finding of factual truth and to the passing of a just verdict - a threat to which no tribunal should expose itself without compelling cause.

There is likewise just as little reason to examine in this trial fundamental problems of medical ethics. Opinion will actually differ only very little here. The pledge of Hippocrates, "primum non nocere", is a fundamental part of any medical activity, and no arguments on the principle are necessary. The problem of this trial is not whether the physician, according to the viewpoint of his profession, is justified in carrying out experiments on living people, and if so, to what extent. The problem is rather: does the law, with regard to specific emergencies caused by the war, mention special extenuating circumstances which, as an exception, exempt an otherwise forbidden operation from punishment. This, however, is not a problem of medical ethics but solely a legal problem. This question will have to be discussed more thoroughly after all the evidence has been presented.

It would be well also to call attention now to a third peril which could, under certain circumstances, jeopardize the finding of the factual truth with respect to the defendants, and that is the only problem with which the present proceeding is concerned - and the ascertaining of the guilt of the defendants. I am referring to the conditions in the concentration camps.

It is true that the experiments were carried out almost exclusively in concentration camps. Evidence regarding these camps has already been submitted in the proceedings before the International Military Tribunal. In this connection I refer mainly to the testimony of the witness Dr. Morgen (page 14846 of the German transcript). Documents were also submitted to this court which among other things describe the general conditions in these camps. Witnesses were also heard on this subject. The indictment does not assert that the defendants are responsible for the conditions in these camps. Nevertheless the danger cannot be denied that the

impression of the conditions in these camps could only too easily affect the ascertaining and evaluation of the guilt of these defendants. This is another reason for limiting the subject of this court examination to the facts for which the defendants are made accountable in the indictment. The general conditions in the concentration camps were entirely outside their sphere of authority. They were the responsibility of agencies which had no organizational connection with the Wehrmacht or the Medical Service of the Waffen SS.

At the end of the war the defendant Gebhardt had the rank of Major General of the Waffen SS in the Medical Service of the Waffen SS. After 1 September 1943 he was Chief clinician of the Waffen SS. The indictment accuses him of special responsibility in the carrying out

of the medical experiments alleged by the prosecution. In several of these experiments the prosecution was not able to present documents or witnesses that could prove a special responsibility of the defendant Gebhardt with regard to these experiments. I shall discuss the resulting legal problems, particularly with respect to Point I of the indictment, in my summing up after the hearing of the testimony.

In other experiments the prosecution could submit several documents which show at least that the defendant had an organizational or other connection with the experiments. In part the documents themselves show that the defendant Gebhardt learned of these experiments only after their completion. From other documents it is obvious that the intended experiments were not carried out at all that the planned experiments came to a standstill at an innocent preparatory stage. All the resulting legal problems I shall also discuss in my summing up.

The essential point of the accusations against the defendants Gebhardt and Fischer are the experiments which were made to test the effectiveness of the sulfa drugs. The defendants do not deny having carried out these experiments themselves. In doing so the defendant Fischer acted on orders of his superior Gebhardt. I shall discuss later the part which the defendant Oberhauser had in these experiments.

It can of course not be my task to show in detail at the present stage of the proceedings, the reasons which made these experiments necessary. Nevertheless a few indications seem to be pertinent at this time.

The sulfa drugs are a German discovery and were introduced into therapeutics, along with Protosil, in 1932. This was preceded by nine years of evolutionary research by the German scientist Domag. The success of the therapy was demonstrated by bacteriological considerations and proofs. The diseases were classified according to their type of virus, and the therapeutic possibilities were judged from this viewpoint. It appeared that diseases caused by an infection through streptococcus, staphylococcus, meningococcus, pneumococcus, and gonococcus offered the best prospects for cure. This was the opinion of the German military physicians at the beginning of the war in

1939. Although a final clarification of the value of the sulfa drugs had not yet been established, especially with regard to wound infections caused by streptococcus and staphylococcus or by the virus of gas gangrene - it was nevertheless clear that these drugs were a very considerable help in the battle against wound infection. The experiences during the first war years seemed to confirm absolutely the correctness of this opinion. These favorable results



led to the publication of many treatises in medical literature, and the publications of Professor Schreus and his disciples found special attention, they asserted the absolute effectiveness of the sulfa drugs against the above-mentioned viruses as wound infectors and against gas gangrene. Others, however, warned against overrating the sulfa drugs in the treatment of wound infection. Until 1941, nine years of clinical experience and bacteriological research in vitro had thus not sufficed to arrive at a uniform opinion on the value of a group of drugs with which the entire medical profession occupied itself intensively in research and practice.

Though during the first two years of the war the surgical installations of the field army and the chemico-therapy that was coming into use had been sufficient to meet all demands, the experiences of the 1941/42 winter period in Russia, which saw the German armies at the gates of Moscow, were to bring up again the discussion of the efficacy of the sulfa drugs as a remedy for wound infections. It had appeared that even three years of war medical experience had not been able to clarify this question fully. But it had also appeared that the fate of hundreds of thousands of injured soldiers might depend on the right and timely solution of this question. The situation was becoming all the more difficult as there was no hope of solving this question in a short time through clinical observation in army hospitals. For, under the war conditions at the front, the number of unknown factors became many times higher than in peacetime. And the fact that in the meantime a new sulfa preparation, Ultraseptyl, whose efficacy some people estimated very highly, had been developed, complicated the problem still more.

The final clarification of the efficacy of the sulfa drugs for wound infections had thus become a military-surgical and chemico-therapeutic question of vital importance. It was a matter of course that the state had no press for the fastest possible solution of the problem because of the great losses to be expected during the coming winter. Indeed, the decision whether it would be necessary to reinforce the front-line surgical installations or whether, in view of the favorable results of an intensive sulfa treatment, the wounded soldiers could be expected to make the long trip back to the rear-area army

hospitals, depended on it.

The Reich SS physician Grawitz had been commissioned to carry out the experiments concerned. The hearing of the evidence will show in detail under what circumstances the defendant Dr. Gebhardt became connected with these experiments.

Let us point out right now, however, that it was due exclusively to the defendant Gebhardt that the experiments were not conducted under the conditions which had originally been ordered by the Reich SS physician Grawitz. The orders for these experiments provided that the test persons were to be shot at. The purpose was to cause wounds under warlike conditions and to work on them with sulfa drugs. There is no doubt that in view of infection through clothes particles and earth the experiments would have been far more dangerous than under the conditions under which they were actually conducted. Instead of earth sterilized pulverized glass was used. Uniform and clothes particles were replaced by sterilized cellulose.

As the evidence has shown, female members of the Polish resistance were used as test persons. All the test persons had been sentenced to death by courts-martial because of their activity in the resistance movement. We shall submit evidence with reference to the legal principles of these proceedings, which were instituted in accordance with a decree of the Governor General for the Polish occupied territories. We shall submit further evidence showing that the records of the people sentenced to death by courts-martial had been referred to a special pardon board in the Government General, which decided on the final execution of the sentence. In the legal evaluation of these facts I shall examine the status of these prisoners with regard to international law and also raise the question what bearing the fact that these test persons had or had not volunteered has on the illegality of the experiments.

Furthermore, it is the purpose of the submission of evidence to give the court a clear idea of the manner by which the experiments themselves were carried out, as well as of the individual series of experiments and of their results. Lastly, the scientific knowledge gained from them and their

practical effects will be shown, particularly in connection with the two reports of the defendants Gebhardt and Fischer, presented at a conference at the Army Medical Academy in May 1943. The directives issued on the basis of these experiments for the treatment of wound infections will be submitted in the course of the arguments.

But now we would like to point out an error that the chief prosecutor made in his description of the sulfa drug experiments in his opening statements. He asserts that during the Army sulfa drug experiments some test persons were wounded, but were not treated with sulfa drugs. These experiments were conducted for the purpose of comparing the course of the infections treated with sulfa drugs with infections which had not been chemico-therapeutically treated. This statement is not correct if it is intended to mean that these persons were not treated at all. Rather, the facts are that all the test persons were treated and, if necessary, surgically. It was also observed in a great many cases of women treated with sulfa drugs that this was not sufficient to stop a general sepsis and that surgical



treatment was necessary. In this connection we may point to the statement of the expert witness, Dr. Alexander, who conceded that the large scars observed on test persons were caused by surgical operations to combat inflammations threatening the test persons' lives.

Evidence will further show that, while it is true that the defendants Gebhardt and Fischer carried out the experiments, they did everything they could, to save the lives of the test persons and to minimize the anticipated harmful effects after the introduction of the bacteria culture. If deaths occurred nevertheless they occurred owing to circumstances that could not be fully foreseen. Fewer deaths were to be expected since the defendants Gebhardt and Fischer or other surgeons of the Hohenlychen hospital stood ready at all times in order to perform operations at once, should occasion arise. Evidence will show as well that experiments were discontinued at once if deaths occurred. The defendants were the more ready to make this decision as the experiments carried out up to that time were sufficient to provide a clear solution to the problems raised and to suggest guiding principles that would serve as a sufficiently firm basis for military surgery and for the treatment with sulfa drugs.

I shall now deal briefly with the activity of the defendant Oberhauser in these experiments. Statements made in this connection by 4 witnesses examined in court were on the whole in agreement. According to them, the activity of this defendant was essentially confined to carrying out the preliminary examinations of these test persons, changing their dressings in accordance with directives of her superiors and taking the suitable chemico-therapeutic measures. Evidence will further show that the defendant Oberhauser came accidentally into contact with these experiments because her ward in the hospital of the camp was directly adjacent to the operating room, and because, in connection with the experiments, she had to vacate several rooms, in which the test persons were lodged. Since it was also her duty to treat test persons, and to care for them, she had to be personally present during the operations in order to be familiar with the



Court I

29 Jan 47-a -19 -2- LJO - Fitzgerald

course of the surgical incision, as, otherwise, it would have been impossible for her to eliminate any congestion, for instance, which might be caused by the bandages. Judicial scrutiny of the entire evidence must answer the question whether the conclusion can be drawn from these facts that the defendant Oberheuser wanted these experiments personally; whether, that is, in the sense of the law, she acted deliberately with regard to these experiments.

In the indictment the defendant Oberhouser is also accused of special responsibility for performing sterilisation experiments. The prosecution was not in a position to present any evidence in support of this charge. Therefore, it will not be necessary to deal further with this point of the indictment in the case of the defendant Oberhouser.

Your Honors, I believe that what I have said will suffice to show you the aim of our defense. It cannot be up to me at the present stage of the proceedings to draw the legal conclusions that result from the application of the commonly recognized doctrines of international law and the general principles that derive from the criminal law of all civilized nations to the entire body of these facts.

This will be possible only in my summation, after the presentation of all the evidence. In doing so we shall have to take our point of departure from facts that do not first have to be proven, because they can be accepted as already known to the Tribunal. This is particularly true of special conditions brought about through the war.

But we must state at this time that the defense cannot shun its duty to examine in detail whether certain criminal laws mentioned in the indictment can be applied to the facts of this trial. This holds true for Decree No. 7 of the Military Government for Germany, as well as for Law No. 10 of the Control Council. In this connection I point out Article I of Decree No. 7. According to this provision the military courts established on the basis of this decree are not only competent to try and punish persons who are accused of having committed a punishable act designated as a crime in Article II of Law No. 10 of the Control Council. Rather, their competence is to extend also "conspiracy to commit such a crime," that is to say, to the fact of the conspiracy, as set forth in detail in Point I of the Indictment under the heading, "the Common Conspiracy."

Further, may I point out at this time the fact that Article II of Law No. 10 of the Control Council constitutes a considerable amplification of the concept of conspiracy as it is to be found in German criminal law. It is my opinion--which I shall substantiate later in detail -- that as a basic principle the conduct of the defendants is to be judged according to German criminal laws. They were living under this law at the time in question and it is this law that was valid for them. In other words: it must be inquired.

whether the above-mentioned regulations do not violate a principle which is the essence of every modern system of penal law and which is expressed in the proposition, "nulla poena sine lege." A crime can be punished only when the criminality and punishment were legally laid down before the act was committed. This principle is valid not only for the individual legal facts but also for the circumscription of the legal liability and for the regulation that determine the defendant's responsibility for a crime committed by another.

Furthermore, of special importance will be the examination of the question to what extent the fact that the defendants acted upon orders and in a special military capacity, exonerates them or at least serves as a mitigating circumstance. In this connection the relation between Article 47 of the German Military Criminal Code and the relevant provisions of Law No. 10 of the Control Council will have to be investigated.

The crux of the legal evaluation of the facts that the evidence has established will, however, be the scrutiny of the question whether the special war conditions under which the crimes were committed will also justify the assumption of special extenuating circumstances.

MR. SAUTER: (Counsel for Defendant Dr. Kurt Blome)

Your Honors, it is my duty to explain to you in what way the defense of Dr. Blome will be conducted.

1) The Subject of the Indictment against Dr. Blome is his alleged participation in the following complexes:

1) The Malaria Experiments, cf. Section 80 of the Indictment  
(Doc. Book 4)

2) The Lost Experiments, cf. Section 8D of the Indictment  
(Doc. Book 13)

3) The Sulfonamide Experiments, cf. Section 61 of the Indictment  
(Doc. Book 10)



4) The Action against the tubercular Poles, cf. Section 8 & 13 of the Indictment (Doc. Book 9)

5) The Lethargia Program, cf. Section 9 & 14 of the Indictment (Doc. Book 14/1, 14/11, 14/111, 15, 16, 17)

In regard to these five points the Prosecution has charged Dr. Blome with special responsibility; in addition, it has raised the general charge of conspiracy.

11) The purpose of the defense of Dr. Blome will be as follows:

1): Dr. Blome participated in no way in the malaria experiment.

He had no knowledge of Dr. Schilling's malaria experiments in Dachau, he never set foot in the latter's institution, he never spoke a word with Dr. Schilling about the latter's malaria experiments, and he never met him in his life.

2): Dr. Blome had equally no knowledge of the Lost experiment; it was only here that he heard of them. Particularly, Blome never gave a research assignment to Professor Dr. BIRTH concerning Lost gas experiments on living organisms; that assignment from the Reich Research Council to Professor BIRTH was given by Geheimrat Sauerbruch. Nor was the giving of such an assignment among the competencies of Dr. Blome; the giving of this assignment to Professor BIRTH was in accordance with the usual procedure, registered with the Reich Research Council under the name of Dr. Sauerbruch; the simultaneous registration of that assignment under the name "Blome" apparently was a writing error. The evidence will prove this.

3): With the Sulfonamide experiments Dr. Blome had nothing to do either; he learned of them only here in Nurnberg. On principle, Dr. Blome was not present and never represented by an associate at conferences of physicians where reports

29 Jan 47 A-54-19-3-3 Fitzgerald (MSD)  
Court No. 1

on this subject were allegedly given; thus he never heard of these conferences, especially since they were congresses of SS physicians or Wehrmacht physicians, who were not subordinate to the Reich Leader of Physicians.

4): It is true that Dr. Blume was connected with the plan to liquidate thousands of Poles suffering from incurable open tuberculosis, but not in a criminal manner, just the contrary: he opposed the project and finally managed to prevent its execution. This was the exclusive accomplishment of Dr. BLUME; this is clearly proved by the documents already submitted by the Prosecution in Document Book 9.

Furthermore, BLUME fought most vehemently and successfully against the further plan to exterminate the Intellectual upper class of Poland by means of sterilization; this will also be proved by the evidence.

5): BLUME had no share in the euthanasia program. The documents and other evidence which the Prosecution has submitted on the progress and execution of euthanasia never once mentioned the name of Dr. BLUME. Nevertheless the Prosecution has alleged a special responsibility of Dr. BLUME in regard to euthanasia, apparently basing this claim on two facts. One, Dr. BLUME'S position as deputy of Dr. CONTI and, second the chart shown here, which was prepared on the basis of statements by the co-defendant RUCK, which beside the square for Dr. CONTI has a little square with the name "BLUME". However, it has already been established that Dr. CONTI was concerned with the euthanasia program exclusively in his capacity as State Secretary in the Reich Ministry of the Interior, but never in his capacity as Reich Leader of Physicians. But Dr. BLUME acted at no time as deputy for Dr. CONTI as State Secretary in capacity as Reich Leader of Physicians and, in a merely nominal way, also as head of the Main Office of the Party of the Interior the exclusive deputy of Dr. CONTI in regard to euthanasia was Ministerialrat LINKE, whose name correctly appeared in the chart below CONTI'S name. The Office of the Reich Leader of Physicians of Dr. BLUME, as a matter of principle had nothing whatsoever to do with the euthanasia program, but completely excluded from it; for the official physicians and the mental institutions which carried out the euthanasia program were in no way subordinate to the Reich Leader of Physicians. At no time did Dr. BLUME receive or give any reports, orders, or instructions concerning the euthanasia program. He did not even know of the planning of the euthanasia program all of this will also be proved by witness to be examined. Therefore, it is an obvious and incontestible error that the name "BLUME" appeared in the chart at all.

This will also be affirmed by the co-defendant Brack when he takes the witness stand. It has already been proved that Dr. Blome was in no way responsible for the euthanasia program and that he had no competencies of any kind for that program.

Now, the Prosecution has submitted for the euthanasia program particularly extensive material in several volumes of documents, and many witnesses and affidavits. Nowhere can the name of Dr. Blome be found therein. This shows that the charges against Dr. Blome on this point cannot be upheld. The evidence of the Prosecution against Dr. Blome on this point was absolutely insufficient and I therefore make application that the charges against Dr. Blome in regard to euthanasia be rejected immediately by order of the Court.

It is merely a demand of justice that the Prosecution should not maintain any charge if it is already apparent that it cannot be proved in any way. The same must be true of the charge against Dr. Blome in regard to the malaria experiments, the lost experiments, and the sulfanilamide experiments. In regard to those points I also apply for the immediate rejection of the charges, because the Prosecution has not given sufficient evidence for its charge.

III. As evidence Dr. Blome plans to use the following:

He has named nine witnesses, all of whom have been approved by the Tribunal. The subject of their individual testimony has been stated in detail in my respective applications, so that the Prosecution is informed on this count. Dr. Blome plans to submit affidavits of six of those witnesses; these will be submitted for translation and inclusion the document book Dr. Kurt Blome; they will be submitted to the Tribunal and the Prosecution in time.



The affidavits of the two witness Dr. Elare and Dr. Boshm have already arrived. I have not yet heard from the four witnesses Porwitschy, Wittmann, Dr. Kroening, and Dr. Ellewe. Therefore I am not yet in a position to inform the Tribunal definitely whether the affidavits of these four witnesses will be sufficient for my purposes or whether I shall ask them to take the witness stand here, or whether I may possibly be able to get along without one or the other of these four witnesses.

The remaining three of the nine witnesses I mentioned, the witness Dr. Sundermann, Dr. Dingeldey, and Dr. Kosmohl, seem so important that I should like to examine them as witnesses in this courtroom.

During the War, Dr. Sundermann was the responsible supreme medical officer with the Reich Governor in the Warth Gau Posen. He is, therefore, in a position to give reliable information concerning the fight against tuberculosis in that Gau and particularly to the effect that it was Dr. Blome who prevented the liquidation of tens of thousands of tuberculosis-infected Poles which Gauleiter Greiser (Posen) had suggested.

On the other hand, the witnesses Dr. Dingeldey and Dr. Kosmohl were for many years associates of Dr. Blome and can therefore give definite information about the personality, character, principles and conduct in office, of the defendant Dr. Blome.

Finally, I shall include in the document book Blome, some quotations particularly from his own books, and they will be translated. Thus, the Prosecution will also be informed in time of this further evidence.

It is the intention of Dr. Blome to take the stand in his own defense, and he will do so after the witnesses who he has called are heard.

IV. Against the defendant Dr. Blome, the Prosecution submitted in

29 Jan 47 4-20-35W Gallagher (MSD)  
Court No. 2

the session of 10 January a number of documents which are not collected in any document book, and which refer to biological warfare. It has not yet been made clear whether this is to constitute a separate charge against Dr. Bloem. This complex had not been included in the indictment and no formal charges have been raised on the matter since. By way of presentation, Dr. Bloem will express himself on the question of biological warfare when he takes the stand in his own defense, and he will present the following facts:

1) As far as Dr. BLOME is concerned, all these measures were merely German defense measures, contemplated only in the eventuality that the enemy should initiate biological warfare against Germany. These were never plans of an aggressive nature on the part of Germany. At least the defendant Dr. BLOME knows nothing to that effect.

2) Dr. BLOME and his so-called "Lightning Rod Committee" were repeatedly officially informed by an officer of the German counterintelligence service that the enemy had developed the methods of biological warfare to a considerable degree, and that Germany, therefore, had to expect that the enemy some day would apply these methods.

3) Whenever an opportunity offered itself, Dr. BLOME counseled against biological warfare and warned that the German people would become the primary victims of such warfare.

4) No means of biological warfare were actually ever used by the Germans; even the preparations for the defense against enemy biological warfare were intentionally carried out in such a way that Germany would in effect never have been able to employ such means offensively. Finally,

5) not a single experiment on human beings was undertaken in this work. All of this concerned the biological warfare and will be proved by Dr. Blome.

In Document Book 11, (on blood coagulation) the Prosecution has further charged the defendant Dr. BLOME with having been informed about illegal experiments with the blood coagulation drug "polygal" and also with having, in October 1943, given Dr. KASCHER a research assignment on the treatment of freezing, which was known under the code name "Human Rewarming". In the course of his defense Dr. BLOME will also disprove

That charge, which incidentally, is not yet included in the indictment. As a matter of fact, he had no knowledge of the illegal experiments of Dr. RASCHER, and did not give DR. RASCHER any illegal research assignment.

V): Finally, the Prosecution has charged the defendant Dr. BLOME from the point of view of Conspiracy. This charge, too, will be refuted by Dr. BLOME by his own evidence.

A larger number of the Defendants with whom he became acquainted, either as Deputy Reich Leader of Physicians or as the man charged with cancer research within the Reich Research Council, be it official or private. He never engaged in any conversation concerned with the proposal or planning of illegal experiments or the commission of crimes. Particularly, he never participated in any conferences where reports on such matters were given or where anything was planned in that direction. The presumptuous suggestion by HIMMLER to carry out experiments with humans to obtain an effective vaccine against plague, Dr. BLOME did not carry out. At no time was he a member of the SS; at no time he was never a medical officer; during the war he was not even a member of the Wehrmacht.

DR. SAUTER: At this time I have completed my specific statement on Dr. BLOME's case. In that statement I have not commented on the general problems which arise in the factual and legal aspects, and in the terroristic and medical aspects in the course of this case. I could not make such a general statement for the simple reason that only today did I learn whether and to what extent the defense counsel which preceded me commented on these general problems, and it is possible that I may be forced in my closing speech to deal with the other general points of view.

In furtherance of that, Mr. President, I ask you now that I be credited with the balance of the hour which would have been allowed to me for my two



clients today which I did not use, and at this time I ask that it may be added to the time which was allowed to me for the closing speech. I have finished my statement on Dr. Blosa's case.

THE PRESIDENT: Counselors for the defense may be assured that in their closing arguments, time will be afforded them to adequately present any proper legal or factual questions that should be then presented to the Tribunal.

MR. SAUTER: Mr. President, before you go on to the next case, I ask that I may make a suggestion. Tomorrow I have an opening statement for the defendant Dr. Ruff. The case of the defendant Dr. Ruff is very closely connected with the case of the defendant Rosenberg and with the case of the defendant Dr. Volke. These three cases form one whole. Between these three defendants, there is the defendant Brack and the defendant Becker-Freytag. The defense counsel of all these defendants, together with the defendants themselves, have agreed on the following: after the case of the defendant Ruff, the case of the defendant Rosenberg is to be presented immediately, and after that, the case of the defendant Volke. The case of the defendant Brack and that of the defendant Becker-Freytag are to be presented only after the case of the defendant Volke. This procedure seems expedient to us. We have agreed on this procedure and I should like to suggest to the president that he approve this procedure.

MR. PRESIDENT: The Tribunal approves the procedure outlined by counsel. It appears expedient also to the Tribunal.

MR. SAUTER: Thank you.

MR. KAUFFMANN: Attorney Kauffmann for the defendant Rudolf Brandt. Mr. President,

MR. PRESIDENT: First, in the lock, besides 20 physicians, there are three administrative officials who are indicted as accomplices in and accessories to crimes against humanity. My client, Dr. Rudolf BRANDT, took part objectively, i. e. by outwardly apparent actions, in various crimes against humanity, by, for example, writing letters on HIMMLER'S instructions acknowledging the receipt of letters written by physicians to HIMMLER, or passing on such letters to other offices for their information.

Furthermore, the Prosecution considers Dr. Rudolf BRANDT guilty as participant in a conspiracy to commit crimes against humanity. The so-called conspiracy, in the sense of a general plan, constitutes the most comprehensive legal concept imaginable; its application, however, as is apparent from the Explanation of the Sentences of the International Military Tribunal, page 16881 following in the English text, must in practice be limited to such legal concept of "participation", as is also recognized by German Law. This punishable participation presupposes, in the person of the participant, objectively speaking, the existence of a condition for committing the main crime, and subjectively speaking, knowledge of these circumstances.

Second, in Dr. Rudolf BRANDT, the Prosecution visualizes the personal consultant of HIMMLER, and thus an influential adviser of that pernicious man; from this, the Prosecution deduces that Dr. BRANDT possessed full knowledge of the criminal actions - experiments, sterilization, etc., - and also agreed to, approved of, promoted, and thereby was responsible for innumerable crimes.

The purpose of my brief statement today cannot be to go into details as yet and to enter into a discussion with the Prosecution.

In some of the cases in which Dr. Rudolf BRANDT is accused of participating, it will be found that he participated to a greater extent, in others to a lesser extent. Dr. BRANDT took no part whatsoever in the crime of euthanasia and several others.

Even a stenographer "participates" establishing the proof for a crime, if he takes dictation from a criminal or, if, on the instructions of the criminal he writes a letter himself, thus promoting the major crime to a greater or lesser degree. Although he acted under order, although he was threatened with very serious consequences if he were to refuse to carry out his order, he may be guilty; the degree of his guilt, however, depends on a great variety of circumstances attending each individual case, and the judge's most difficult task is to establish this degree of guilt according to law and justice.

Dr. Rudolf BRUDT himself does not assert that he was merely HITLER's stenographer until the end of the war, although in actual fact he began his career with HITLER as a stenographer in the true sense of the word, and for years was nothing but a stenographer.

His later position his slow rise to an official with the rank of Ministerial Counsellor did not, however, mean any fundamental, any essential change in his relations with HITLER. Rudolf BRUDT remained the industrious little employee; later on, too, he was merely the technical Chief Clerk of one of the many departments which existed within HITLER's so-called Personal Staff. Never did Rudolf BRUDT occupy the position of, say, HITLER's adviser, as the Prosecution appears to imagine; never was he present at one of HITLER's discussions or conferences with physicians.

The official duties and activities of the department of which Rudolf BRUDT was in charge concerned the affairs of the General SS (not the Waffen SS), the handling of applications from the population and similar matters; they were not however, concerned with any matters of the Gestapo or Police, i.e. the Executive. The matters which passed through BRUDT's hands and which are to be judged here were outside the scope of things mentioned above. Meritorically speaking, these cases are infinitesimal, compared with the average monthly postal dispatches of about 3,000 to 4,000.

The fact that for years Rudolf BRUDT was over-worked and was no longer able to supervise matters as a whole was known to his Department.



and to outsiders as well.

Nor did Rudolf BRANDT know the almost unique mixture in one human soul of civic virtues and mad crimes against the fundamental rights of man and against the dignity of the human being, as it existed in HIMMLER, a disregard for which, by sophistical arguments of mere expedience and by violating the inalienable principles of natural and Christian moral law, must always lead to the collapse of human and moral order.

Without disputing Rudolf BRANDT's participation and guilt in essence, I will try, as his defense counsel, in the course of this case to explain that the degree of this guilt is far smaller than would appear from the objective external evidence.

To prove this striking discrepancy between external deed and inner guilt, I shall, with the permission of the Court, call upon the defendant to give evidence; further, I shall examine the witness August MEINE, Rudolf BRANDT'S closest associate, and present a number of affidavits.

THE PRESIDENT: I would like to inquire of the defense counsels who have not yet presented their arguments whether they have any reason to suppose that in their arguments tomorrow they will desire to consume any more time than has appeared upon the schedule which has been handed to the Tribunal this morning. Are there no further groups of defense counsels who desire to present their cases consecutively or together other than those that have already been called to our attention?

The Tribunal will now be in recess until nine-thirty o'clock tomorrow morning.

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